

2014 Minutes of Ellsworth Zoning Meeting 2014-020

October 15, 2014

On Wednesday, October 15, 2014 the Ellsworth Township Zoning Commission ***Land Use and Policy Plan Public Meeting*** began at 6:00PM at the Town Hall.

Chairman Fred Schrock opened the meeting leading with the Pledge of Allegiance followed by a moment of silence for our service personnel.

Members present were Chairman Fred Schrock, Ishraq Hafiz, Janine Goddard, Jim Tripp, Frank Marra and alternate Ron Niemiec.

Thirty-three (33) guests were present. They included Trustee Artie Spellman, Trustee Bob Toman and Zoning Inspector Wayne Sarna. Also present is Consultant George Smerigan.

Tonight's meeting is being recorded.

Chairman Fred Schrock began the meeting introducing the Zoning Commission to the public.

Tonight at this meeting the commission is reviewing the Land Use and Policy Plan (LUP) for the second time with the public.

Fred Schrock thanked all who had a part in getting the word out about the meeting. He also explained the difference between the LUP and the Zoning Resolution. He welcomed the public, and then proceeded to read the notice in the Community Roundup written by Frank Marra. Next Fred went through the changes on the LUP since the public meeting on June 05, 2014.

Introduced was our Consultant – George Smerigan who was hired by the trustees to help us through the process of redoing the LUP and the Zoning Resolution.

George Smerigan said to keep in mind that the LUP is a goal and policy plan. It tells what the township is all about. It helps with decision making by officials. It is also a key element in the township obtaining grants in the future. George then said he was open for questions.

- *Kelly Hardinger* of Bailey Rd asked if the LUP map is set in stone; since her property is located in the area designated to be Industrial. Fred Schrock said it is not concrete; it is general plan. George Smerigan also said the boundaries are fuzzy, that it is to just identify general areas, not to identify specific properties. Ishraq Hafiz said that if it is on our LUP plan, it would help us with grants. Fred Schrock also said that is opened ended to entice Industry / Businesses to come to this area.
- *Andrew Baltes* of Bailey Rd asked why is it showing the Industrial spot when Guttman has not been used for years and supposed to be an EPA cleanup on the Guttman Oil property. Andy said that the circle there includes a good part of his farm. He was hoping that it stays agricultural. Wants to know why we are putting a circle on Bailey Rd site versus other areas such as RT 45.
- *Jim Tripp* said the area (marked industrial) already has a railroad track and if someone wants to use it, it will be running the next week. We thought that would be a good area for expansion in ten to twenty years and that RT 45 and RT 224 is better for commercial businesses. Keep in mind that this is a vision for the future. Jim said if a business comes in; it would still have to be rezoned and have a hearing.
- *Frank Marra* said in regards to Andy Baltes's remarks that you would have to request a zone change. Just because you are in that bubble doesn't make you industrial.
- *Fred Schrock* said that your current zoning will still exist; you have to request a zone change to rezone. If the LUP is adopted, it does not change the zoning map. And this could also work backwards. A resident on an Industrial property might want to rezone the property agricultural.
- *Artie Spellman* said people with money would conduct a study first before they come to the township (regarding Industrial / Businesses).
- *Fred Davis* of Ellsworth Rd asked if that would have a reflection on property taxes and they would have to run city water and sewer. Fred Schrock said yes on water and sewer; property is taxed by its use.
- *Francis Martin* of Ellsworth Rd said the LUP map does not reflect wetlands; any Industrial development would have to be a lot of work with the EPA.

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- *Artie Spellman* said 65% of water that goes into the Meander Reservoir comes through Ellsworth somewhere.
- *Gary Keslar* of Ellsworth Rd asked about if there were any immediate plans for running sewer up Ellsworth Rd. He said that a lot of people are on a fixed income and cannot afford to tap in; he would like us to take that into consideration.
- *Artie Spellman* said that the trustees worked hard with the citizens to get them assistance (money). He said that there are no guarantees that your sewer system will be good tomorrow or down the road.
- *George Smerigan* said the Ohio EPA is raising the standards which make them (sewer systems) more and more expensive. And they are requiring the Health Departments to inspect the systems. It is not the township that would be pushing city water and sewer but the Ohio EPA and health department are moving those along.
- *Gary Keslar* said if someone comes in and over taxes the present system, would the costs be passed on to the public. George said if you are connecting in to a system; you are paying your share of that system. Operating costs are controlled by the county sanitation engineers, but they have to balance those needs to make sure the system stays viable.
- *Karen Grittie* of Akron Canfield Rd asked about home based businesses. She wanted to know if we have worked on that in the Zoning Resolution. Fred Schrock said yes we have worked on that. George will forward a copy of the Zoning Resolution to Karen.
- *Karen Baltes Novak* of Calla Rd was upset about the LUP. She said that as shown on the map, Industrial area takes up a good part of her family farm land. She feels that the commission is a threat to the Agricultural use of Ellsworth Township. The railroad was abandoned since 2007 and would take a lot to get in running. Her nephew, Andy Baltes is a fourth generation farmer and this is how they make their living. She understands the bubble around her property is just a projection, but would like it removed. Also commented that YSU has an urban study that could have done this LUP for free.
- *Frank Marra* said somebody has to want to buy it (the Industrial property) and somebody has to want to sell it. If you don't want to sell your farm; it is never going to be Industrial, plus a property owner would need to go through a process.
- *Artie Spellman* said the Baltes and others control their land, not the township. The property owner will define his land.
- One person mentioned about right-of-way for fracking, if you don't sell your mineral rights, they can come in on your property and force you in.
- *Larry Spencer* of Leffingwell Rd agrees with the Baltes's on protecting their land. Said according to the Zoning Resolution, that we want to preserve the township pretty much as it is, but the LUP's map shows different. He asked in the end if the community votes. Fred Schrock corrected him and said no – the trustees vote it in.
- *George Smerigan* said the LUP is not taking away the rights of property owners. The LUP is a long term vision of what the township is. It does not reduce any of the rights of the property owner.
- *Paul Hendricks* of Western Reserve Rd felt mislead by George Smerigan's statements. Paul said that LUP doesn't have an effect today, but will tomorrow. It is setting an outline of what is going to happen down the road. Paul feels that George Smerigan is deceiving. Paul does not feel we got our money's worth out the work done on the LUP. George Smerigan said that Paul is right that these policies are going to become the basics for the regulations that will be contained in the Zoning Resolution. He said that (a property owner) will still have to go through rezoning to use property other than currently zoned. LUP is not changing the rights of any property owner. Can only use property as it is zoned. Paul Hendricks said George Smerigan said that we must adopt a LUP.
- *George Smerigan* replied that state statute provides that a zoning resolution must be pursuant to a plan.

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- *Andy Baltes* said since no one wants Industrial, can we remove the section on the map. If someone wants Industrial, then let them go through the process.
- *Ken Calhoun* of Gault Rd said why do we have to show an Industrial area at all.
- *Fred Schrock* said a healthy community finds a balance a tax base between Industrial, Business, Residential and Agricultural.
- *Larry Spencer* said most of the residents live in Ellsworth because they are long established residents or implants like him, he felt if we take a survey on this, 90% of the people live here because of the way Ellsworth is.
- *Frank Marra* had Andy Baltes look at the current zoning map.
- *Jim Tripp* said we received input at the first meeting and this one and also from others. Said it is clear that the people of this township don't want us to be another Canfield or Boardman. Jim stated that changes will be conservative, but a controlled change. That the LUP will protect you if you end up in court.
- *Ishraq Hafiz* said that our current plan has flexibility in it. It has accumulative zoning.
- *Fred Schrock* showed the public the current LUP from Mahoning County Planning Commission. It has four (4) points.
- *Dave Smith* made a comment that the state bought enough property to put a culvert under the road, but they never did the work. His taxes went up and he cannot farm because of wetlands.
- *Paul Hendricks* brought up the coal tipple on Rte. 45. Said that it is industrial; why was it not included on the map. Artie Spellman said that the owners will determine its usage.
- *George Smerigan* said this map was not an attempt to identify how each property in Ellsworth is being used. Only used area on map because it was already rezoned. George said that we can remove the circle around the Industrial area.
- *Ken Calhoun* said that acreage is already industrial, that the Baltes's can be forced to sell their land. George Smerigan said no, and that the LUP was not going to affect what is already zoned.
- *Andy Baltes* said Bailey Rd is not a corridor for trucks due to their weight.
- *Larry Spencer* wants clarification on the statement; providing alternate housing opportunities. He said that the paragraph is not needed. He said that he is not against it; the LUP just does not need the sentence.
- *Francis Martin* felt that we should have this paragraph due to discrimination.

There were no more comments on the LUP. At this point the public meeting was closed at 7:25PM.

The business meeting followed.

Minutes for September 17, 2014 were previously read by the Zoning Commission members. Motion to approve the minutes was made by Ishraq Hafiz, seconded by Jim Tripp. Motion carried.

Minutes for October 01, 2014 were previously read by the Zoning Commission members. Motion to approve the minutes was made by Jim Tripp, seconded by Ishraq Hafiz. Motion carried.

George Smerigan remarked that the real concern we have is the Industrial areas on the map, home based business and language on alternative housing. George suggests removing the circle showing Industrial on the map. This would eliminate the issues faced tonight and the trustees won't have to face the same issue.

Discussed was that we did not pinpoint all the existing Industrial areas. Removing Industrial on the map shows we are not encouraging more industrial areas.

Dee Tripp said take it (Industrial) off the map but leave it on the LUP under "D" and take out defined areas. The commission agreed.

Fred Schrock asked if we want to make a motion.

Dee Tripp asked about the Bailey Rd seventeen- ton weight limit. George Smerigan said if a business / industry comes in, the road will change.

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Ishraq Hafiz made a motion to modify our LUP pursuant to our discussions with the public meeting; the four changes being;

- revise page 2; the map reference under “B”, add see page 7;
- revision on page 2; the title under “D” - deleting in the title “within defined areas”;
- rewording Eastgate to “Eastgate Regional Development Authority”;
- revision of the map removing Industrial area off the map on page 7.
- and then forward the LUP to the Trustees.

Motion was seconded by Frank Marra. The entire commission was in favor. Motion carried.

Fred Schrock said this shows we respected the community hearings.

There were no other items of business.

Fred Schrock thanked all commission members and George Smerigan for their work.

Motion is made to adjourn at 8:07PM by Janine Goddard, seconded by Ishraq Hafiz. Motion carried.

Janine Goddard
Secretary