

2014 Minutes of Ellsworth Zoning Meeting 2014-017 September 03, 2014

On Wednesday, September 03, 2014 the Ellsworth Township Zoning Commission work session 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, Janine Goddard, Jim Tripp and alternate Ron Niemiec who filled in for Ishraq Hafiz. Excused tonight are Ishraq Hafiz and Frank Marra.

Three (3) guests were present – Dee Tripp, Trustee Bob Toman and Trustee Fred Houston. Also present is Consultant George Smerigan.

Tonight's meeting is being recorded.

Fred Schrock said that he sent communication to the trustees informing them of his future meeting with the Mahoning County Planning Commission and also the commission's public meeting for the LUP on October 15, 2014. He also informed the trustees on our progress on the Land Use and Policy Plan.

Fred Schrock read the letter he sent to the Mahoning County Planning Commission, attention Dana Donahue. They replied that a review of the LUP was not required but recommended. Today Chrystaline McArdle called regarding the LUP map – page 7, the color coding. She also sent Fred Schrock a copy of Boardman's map and Beaver's map. Boardman is going through the same procedure. She wants to meet with our commission to go over a few things. The LUP also has to go through the Mahoning County Commissioners first. Only a couple of our commission members need to meet with them. Fred Schrock and Jim Tripp will meet with the Planning Commission.

Jim Tripp said that it sounds like 90% of the townships haven't updated their Land Use Plan in a long time.

Janine Goddard told the commission that the postcards advertising the LUP public meeting are ready to be printed tomorrow and mailed out.

Fred Schrock said that Ishraq Hafiz asked to be excused; alternate Ron Niemiec is filling in for her.

So far no one has heard from anyone (the public) regarding the LUP.

Janine Goddard said she would email Frank Marra to see where he is with contacting the Roundup to put in a notice for the public meeting. She also said to date we have spent \$352.30 so far on previous postcards and stamps, leaving us with \$397.70 of the \$750.00 allotted.

The commission now moves on to the Zoning Resolution.

Consultant George Smerigan started with the wording in red on page 41 of the Zoning Resolution draft.

Jim Tripp went over some typos he found that needed fixed.

We talked about illuminated signs in the residential / agricultural areas – whether to change to allow interior illuminated or leave it at external illumination only. It was decided either will be acceptable. George will fix this. He will also add that signs cannot be illuminated between the hours of 10PM to 6AM.

In section 619 – IN-LAW SUITES – the reason in-law suites cannot have cooking facilities is to eliminate the unit becoming an apartment, a rental.

George Smerigan doesn't see the need to have different divisions of the Commercial areas; that is the purpose of conditional use – to control certain businesses.

Jim Tripp asked if under Industrial uses are we were going to add drilling and fracking. George said that the township cannot control gas and oil wells or where the drilling takes place, the state does. George will check on brine injection wells for controlling them, they are not protected as gas and oil wells.

Jim Tripp also brought up Johnson Township's toothless resolutions where oil companies are trying to be a good neighbor by paying a requested fee to the township. George Smerigan said a township can do something to generate and collect a fee, but this one is not enforceable.

The commission went through and adjusted sections of the Zoning Resolution.

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Federal law says that you cannot control what a sign says.

State law has two sides – (1) some agree with Federal law and on the other hand (2) township can limit the words to pertain to the business or services of the commercial business on the property, commercial speech does not have the same protection as non-commercial speech.

George Smerigan will check with the Mahoning County prosecuting attorney on signs that advertise other businesses not on your property.

Motion is made to adjourn at 9:05PM by Janine Goddard, seconded by Jim Tripp. Motion carried.

Janine Goddard
Secretary