

# ELLSWORTH TOWNSHIP ZONING COMMISSION

## RECORD OF PROCEEDINGS

Minutes of Regular Meeting – August 13, 2024

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Meeting opened by Mr. Mayberry at 6:00 pm

**Roll call** Members present: Jim Mayberry, Chairperson; Jason Smaldino, Vice Chairperson; Jim Gilmartin; AJ Baltas; Angela Javorsky, Secretary; Sarah Hendricks, Alternate. 18 guests were in attendance.

**Minutes:** Mr. Baltas moved to accept the minutes from the 5/14/2024 regular meeting as submitted. Mr. Smaldino seconded the motion. Vote was unanimous to accept the minutes as presented.

Mr. Mayberry moved to accept the minutes from the 5/28/2024 special meeting as submitted.

Mr. Gilmartin seconded the motion. Vote was unanimous to accept the minutes as presented.

Mr. Smaldino moved to accept the minutes from the 7/9/2024 regular meeting as submitted. Mr. Baltas seconded the motion. Vote was unanimous to accept the minutes as presented.

### **Zoning Inspector's Report:**

Wayne Sarna; Last Report 7/9/24

Since my last zoning report I have written 2 zoning permits

-July 30, 2024 permit for a SFD; 12601 Akron Canfield Rd 1,900SF Fee collected : \$1,038,00

-August 1, 2024 zoning permit for a storage shed 6666 Salem Warren Rd, violation closed.

The lawsuit filed against Canfield Corner LLC, seeking injunctive relief to repair the collapsed wall on the northern property line of the Country Pantry store property along

-St Rt 45 is pending. The case was called for telephone status hearing on July 31, 2024 at 9:00 a.m. with the Court. Status conference is scheduled for 10/2/24 at 11:00 a.m.

-Violation 12036 Palmyra Rd is still pending, owners have made progress.

-Violation 8740 Palmyra Rd is pending. I discussed this with the prosecutors office in August.

-Violation 12082 Palmyra Rd which was foreclosed, sold July 5, 2024 to PROVERBS BROTHERS, they plan to remove the structures. I asked to be updated on progress.

-Violation 5843 Gault Rd., accumulated debris at the front of the home and neighboring garage pending. The owner requested an additional 30 days for the continued clean up.

-I attended the MCPC hearing on the amended Solar draft in which comments were made by the zoning commission and myself to the MCPC board. The Board recommended approval.

-Violation letter sent to the property owner, 11830 Palmyra Road, for accumulated debris, abandoned vehicles and also delinquent taxes. Contacting Prosecutors Office for assistance .

### **New Business:**

Mahoning County Planning Commission hearing 7/23/2024; They recommended approval of the Solar Amendment. Trustees will presented with this 8/14/2024 during their monthly meeting.

### **Public Hearing**

#### **Meeting Procedure:**

Chairperson will ask for public comments. Any guests wishing to comment must be recognized and called upon by the Chairperson, they must state their name and address for the record. If individuals refuse to identify themselves, they will be denied the opportunity to speak.

Once recognized, guests will have 3 minutes to present their issue or comments. All members shall abide by the Sunshine Law.

Public Comment:

Dolores Tripp of 5760 Elias Lloyd; She suggests language be added to amendment in regards to giving the BZA authority to increase setbacks as deemed necessary to protect surrounding properties.

Jim Tripp of 5760 Elias Lloyd; Stated as a member of the BZA, he would like to see language added to this amendment giving the BZA the authority to increase setbacks as deemed necessary.

Terri Westfall of 10669 Akron Canfield Rd, had general questions about the process of making an amendment to the zoning resolution.

Lee Sandstrom of 8233 Youngstown Salem Rd, indicated he had sent an email to the ZC members regarding the adoption of the zoning resolution 11/4/1969, there were amendments 1973, 1974, 1980, 1997 & 1999 and that none of these versions or amendments included a "matrix" 6/6/2016 the matrix were added and include "public utility works". He feels this is intentional and should not be removed from the matrix as a part of this amendment.

Zoning Inspector Wayne Sarna responded by stating that leaving "public utility works" in the matrix would require a definition (which can not be verified) and a zoning district to be created as well.

Public Comment was closed.

Mr. Gilmartin moved to accept the Solar Amendment as presented, a Second by Mr. Smaldino. Roll Call YES vote was unanimous. Motion carried.

**Next Regular Meeting** 9/10/2024 at 6pm at the Fire Hall

**Adjournment:** Mr. Baltus made a motion to adjourn; seconded by Mr. Smaldino. Vote was unanimous to adjourn at 6:47pm.

Jim Mayberry, Chairperson

Angela Javorsky, Secretary