

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

Meeting held via Webex Teleconference
and YouTube Live Streaming

November 3, 2020
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andrew Lingenfelter, Vice Chairman
Richard Peterson, Member
Frank Schindler, Member
Rich Iafelice, Member
Ashley Garcar, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector

Melton Reporting
11668 Girdled Road
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(440) 946-1350

1 7:12 p.m.

2 VICE CHAIR LINGENFELTER: Good evening. I would
3 like to call this Concord Township Zoning Commission meeting
4 to order, Tuesday, November 3, 2020. We have a relatively
5 light schedule this evening. Under Item Number 1 on the
6 agenda, Old Business, the public hearing for Zoning Amendment
7 Application Number 0320-1, submitted by Rylan Incorporated,
8 has been tabled. So that issue will not be a public hearing
9 today. Hopefully, at some point in time, we will be able to
10 move forward with that but it's not going to happen today.

11 Under New Business, under Item Number 1, we would
12 like to discuss possible zoning text amendments relating to
13 signs, accessory buildings in the residential districts, and
14 the RCD District.

15 Heather, would you like to give us a little
16 background and insight as to things you've done.

17 MS. FREEMAN: Sure. So as most of you know, I come
18 to the Board sometimes with some suggestions on maybe some
19 updates that we need to take a look at in the code, and there
20 could be various reasons why we might need to consider doing
21 updates. For example, like this evening, in our Residential
22 Conservation District development, we addressed this in our
23 Comprehensive Plan. We went through a pretty extensive
24 planning process in 2014 where the committee had made some
25 recommendations that we may consider on updating as far as
26 this district option goes in our Zoning Resolution.

27 I did provide to you this evening a couple, it's two
28 pages, this is RCD. It's from the Comprehensive Plan Update
29 and these are some of the recommendations from the plan. Some
30 of you might have brought the plan. That's great. I just

1 printed that one sheet out for you.

2 A couple of these, you know, the first thing that
3 they talked about was adopting riparian setbacks, so we did
4 adopt riparian setbacks. That became effective in July of
5 2016. I think they're working fairly well. We may need to
6 look at maybe a couple tweaks in there but I am not
7 recommending that at this point. But -- And we did adopt
8 those not only in the RCD District but in every district in
9 the township.

10 So the second point under the Comprehensive Plan
11 Update was recommending some updates in regards to the yield
12 plan standards. So when an applicant wants to do an RCD
13 District development, they are required to present a
14 conceptual yield plan of how they could develop the property
15 under the current zoning. So if they're zoned R-1 currently,
16 then they need to lay out a subdivision showing their yield of
17 how many maximum lots they could get if they were to develop
18 it under R-1. So all the lots have to meet the minimum lot
19 size, 22,000 square feet in the R-1 District. You've got to
20 have 100 foot of lot width at the building setback line and
21 meet all those standards.

22 And then that plan also has to be what they're
23 calling, like, reasonable and marketable. And those terms,
24 "reasonable" and "marketable," are very subjective, which --
25 and I know, you know, it could be controversial, especially, I
26 think, with the latest RCD plan that we reviewed for the Eagle
27 Ridge or Eagle Point development off of Colburn Road. There
28 was a lot of questions on the yield plan. There was a lot --
29 They were proposing to mitigate a lot of the wetlands that
30 were on there and there were, I think, there were a lot of

1 concerns on whether or not it was really feasible and
2 marketable to develop that yield plan and it became, I think,
3 kind of controversial.

4 So I think there's some way that, you know, we can
5 give a little bit more standards on what is reasonable and
6 marketable. I mean, they're recommending maybe some expanded
7 standards here, maybe asking for financial feasibility study,
8 some things like that, or one other thing suggested was
9 reducing the unit credit, the bonus on the RCD plan if you are
10 going to propose under the yield plan to, basically, nuke all
11 the wetlands and move all the streams and just get rid of all
12 the environmentally sensitive areas.

13 And I think one thing that's changed, too, since we
14 initially adopted the RCD District that really changed is the
15 fact that we have riparian setbacks. So I'm not sure how
16 that's really working well with them coming up with their
17 yield plan. I think there could be some improvement there.

18 The other thing that I've heard from developers is
19 that the yield plan, doing a yield plan and then doing the RCD
20 plan is a lot of money. You put a ton of money and energy and
21 work into having your engineer come up with this plan that
22 you're not really going to build and then, basically, have to
23 do another plan to show the amended RCD plan.

24 So there's a lot of things you can think about as
25 far as how we review -- And I wasn't here when we adopted the
26 RCD, so I'd like to go back to, I guess, we had a pretty
27 extensive committee that worked on that and -- I don't know --
28 Frank, I am sure you worked on that and, Andy, I am sure you
29 were involved in that as well. I do know that we had Lake
30 County Soil and Water Conservation District, Dan Donaldson,

1 assisted the township with that, and the Lake County Planning
2 Commission. So we could, if we're going to take a stab at
3 maybe updating some things in here, I definitely want to get
4 them involved and get their input on that, too.

5 But I think there needs to be a cleaner way to
6 review this, the density bonus, the yield plan, and make it a
7 little bit more straightforward for us as far as the township
8 reviewing it and for the, you know, developer coming in.

9 The Number 3 under the gas and oil wells, I really
10 didn't think that was a priority at this point, so it really
11 hasn't come in. It hasn't really been presented an issue. I
12 mean, it's not that it's not important but we're seeing, with
13 the RCD being more the preferred option, I think, that --
14 Well, I guess this really is under the RCD but I guess we
15 could take a look at that within the RCD if we want to
16 establish those standard but that's just another thing under
17 there. I really wasn't thinking about doing that but if you
18 guys would like to, we could.

19 The other biggest component is the design features
20 of the RCD and, you know, looking at developments that are
21 already out there. If the township -- It sounded like this
22 committee wasn't necessarily, you know, wowed by how these
23 developments really turned out. They looked, I guess, from
24 what I am reading here, it looks basically like your standard
25 subdivision and all the open space and all the protected areas
26 are behind the lots, so you're not getting that feel of like a
27 natural area within the development.

28 It's really hot in here. Hold on, turn the air on.

29 So there is some suggestions here. I guess they
30 were brainstorming about different things that you may want to

1 consider. I really, you know, didn't dive into looking at
2 these to make any specific recommendations to this Board. The
3 point tonight was just to bring three major topics up and see
4 if you felt like you wanted to maybe tackle one, two or all of
5 them or none of them. You know, I think that we've had a
6 little bit of down time with site plan review, so I've got
7 some extra time to start digging into some of this, you know,
8 outside of meetings and working with some folks.

9 But there is a long list of different things that we
10 could consider here. So I am not sure if anyone has any
11 comments or looked at any of this specifically that you want
12 to comment on. I am open for any thoughts or suggestions or
13 anything.

14 MR. SCHINDLER: I have a comment on gas and oil
15 wells. Has anybody approached us about doing fracking?

16 MS. FREEMAN: What's that?

17 MR. SCHINDLER: Fracking, has anybody approached
18 about doing fracking?

19 MS. FREEMAN: About doing what?

20 MR. SCHINDLER: Fracking.

21 MS. FREEMAN: Fracking, oh, no.

22 MR. SCHINDLER: Yeah, you know, fracking.

23 MS. FREEMAN: No, I've not talked to anyone about
24 fracking. Is that something we need to worry with about here,
25 you think?

26 MR. SCHINDLER: Well, the state has a big thing
27 about that but I've been personally involved with that with a
28 couple of the communities I deal with in regards to the
29 companies that I, you know, visit in my business. And for
30 example, Youngstown had a big issue about fracking being done

1 in their community because, believe it or not, depending on
2 the soil that's in any given area, you can have earthquakes
3 and they were experiencing that in Youngstown.

4 MS. FREEMAN: Wow.

5 MR. SCHINDLER: And they were wondering what the
6 heck was causing it and they finally isolated that it was the
7 fracking that the companies that were coming in and starting
8 to do that method of removing gas, and it got to be a big,
9 heated issue and they eventually stopped it some years ago.
10 So I was just wondering if that was something that would be
11 ever brought up or ever been approached in Concord because
12 this could be an issue.

13 You have to watch the way you do that kind of, you
14 know, type of drilling for gas because the soil makes a big,
15 big difference, what kind of soil you have in a given
16 community. So just a point.

17 MS. FREEMAN: Yeah. I mean, I can make a note of
18 that. I am not sure if that's something that we're allowed to
19 regulate or not.

20 MR. SCHINDLER: No. First of all, I wouldn't want,
21 if I was -- I wouldn't want to touch it with a 10-foot pole,
22 for one thing. But just I want the township to be aware of
23 this could possibly come up by gas and oil companies. So just
24 keep that in the back of your mind. If anything, you don't
25 want that, to be honest with you.

26 MS. FREEMAN: Right, yeah.

27 MR. SCHINDLER: But if it comes about, I just want
28 us to be educated a little bit more as a board and let people
29 know what they can be in for.

30 MS. FREEMAN: Yeah.

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MR. SCHINDLER: Because it's a big deal around the country, big deal. Food for thought.

MS. FREEMAN: Thanks, Frank.

MR. SCHINDLER: You're welcome.

MR. IAFELICE: Mr. Chairman, open for comments?

VICE CHAIR LINGENFELTER: Yes, by all means, sure thing.

MR. IAFELICE: So with a fresh look at the RCD, RCD District zoning, I really find it's well written but I have to, I have to agree, once I looked at the plan update, the recommendations, particularly in the yield plan, make some sense, not necessarily in that verbiage that's there but some clarity for marketability, reasonableness, financial feasibility, things of that nature.

The thing that bothers me a little bit is the comment in the plan update about reducing yield unit credits if you damage, damage the natural resources. Well, if you are damaging the natural resources, then it shouldn't in RCD in the first place. I mean, that's what the purpose of RCD is to preserve the natural resources of the community. So that's the part that kind of contradicts in my mind.

MS. FREEMAN: Well, yeah, so the yield plan is not what they really want to build. It's, yeah, and --

MR. IAFELICE: Correct, but to give them credit.

MS. FREEMAN: Right, yeah. And then --

MR. IAFELICE: To give them credit by destroying, mitigating the wetland.

MS. FREEMAN: Even on the yield plan?

MR. IAFELICE: Even on the yield plan because it doesn't -- it seems contradictory to the intent.

1 VICE CHAIR LINGENFELTER: Well, I will carry this a
2 step further.

3 MR. IAFELICE: Yeah.

4 VICE CHAIR LINGENFELTER: I will take this a step
5 further. What would the appetite of this Board be to consider
6 eliminating density bonus? It seems to be a big bugaboo in
7 dealing with the RCD just in general, you know. I mean, how
8 would the, how would the Board feel or what would be the
9 consensus for, you know, an alternative to a density bonus?
10 Why -- Because every time we deal with, you know, anytime we
11 deal with an RCD plan, consistently, I feel, in my experience
12 with public hearings, the gripe is that they're getting
13 additional lots. So they're increasing, we're giving them the
14 option to increase the density. And then there is a lot of
15 other verbiage and there is a lot of other ideas that get
16 brought up and there is a couple of them that are even brought
17 up here about requiring, you know, an empty lot in between so
18 many lots in a row and doing so many different things to give,
19 you know, to give the appearance of open space or whatever.

20 I mean, what if we just eliminate the density bonus?
21 I understand the intent. And when we originally wrote the
22 text was to incent developers to do conservation development
23 versus a traditional R-1 or R-4 development. Okay? That was
24 -- So our goal, our goal there, our carrot that we were going
25 to dangle in front of the developers was, we will give you a
26 density bonus if you decide to go with this option and,
27 therefore --

28 MS. FREEMAN: Right.

29 VICE CHAIR LINGENFELTER: -- preserve some of the
30 natural features and things that are involved with the parcels

1 or lots that you're looking at developing. If we -- I don't
2 know if maybe we should revisit the density bonus. Maybe we
3 should reduce it, as a reduction, maybe make it smaller so
4 that it's a lot closer in terms of lot, number of lots to the
5 yield plan and not give such -- because I think what we do is,
6 with the density bonus, then I think we motivate the
7 developers and their engineers to try to cram as many lots in
8 there as they can even though they know full well that some of
9 the lots they're putting on there are not actually buildable
10 lots.

11 MS. FREEMAN: Yeah, yeah.

12 VICE CHAIR LINGENFELTER: Or they violate riparian
13 setbacks or they violate wetlands issues. But their goal is
14 to try to maximize the number of lots so that they can
15 maximize their bonus, their density bonus.

16 MS. FREEMAN: Very true.

17 VICE CHAIR LINGENFELTER: And I think if, you know,
18 if we think about it -- and, like I said, I don't know what
19 the appetite is for this -- but, you know, maybe we should
20 revisit just the density bonus as an issue and maybe look at
21 reducing it or eliminating it, I mean, even maybe just
22 eliminating the density bonus because, you know, the concept
23 is with riparian -- Because you're right. When we did, when
24 we originally developed the RCD text, there were no -- we
25 didn't have riparian setbacks at that time when we did this.
26 There were some other standards that we did not have at that
27 time when we did this and now they're there, so it kind of
28 eliminates that option for those builders to really even do
29 some of those things.

30 And so my question is, you know, do we consider just

1 getting rid of the density bonus and making it a, you know --
2 I think what that will do, that will help the developers from
3 a yield plan standpoint for them to be a little more realistic
4 in their yield plan, right? It will help to eliminate some of
5 those questionable lots that they're jamming in the yield plan
6 to boost up the density bonus. And I think from a
7 residential, from a resident's standpoint, I think they'll
8 feel a lot better about some of these proposals if it's
9 density neutral, you know, where if you could put 40 lots in
10 on a traditional R-1 and you can put 40 lots in on a
11 traditional -- with an RCD, I think you're going to see
12 probably less pushback from the community in terms of the R --
13 because --

14 MS. FREEMAN: Yeah.

15 VICE CHAIR LINGENFELTER: I mean, the bottom line
16 is, an RCD is supposed to be good for the community, right?
17 So it's hard to -- It's hard for me to take a view that an RCD
18 plan is a bad idea. I think any RCD plan is a great idea from
19 a community, from our community standpoint. However, I think
20 that when, when the density bonus comes into play, then we
21 start to, we start to kind of change that process and it
22 becomes a little more contentious. And if we had, if we're
23 going to allow a density bonus, maybe we should reduce it so
24 it's not quite as drastic or eliminate it so that it's, it's
25 basically density neutral.

26 MR. PETERSON: But then you've got to have an
27 incentive for the developer, too, Andy, I mean.

28 MS. FREEMAN: Well, I think the incentive is the
29 smaller lot.

30 VICE CHAIR LINGENFELTER: Right.

1 MS. FREEMAN: From what we keep hearing is people
2 want smaller lots. They don't want the half acre, they want a
3 quarter acre. They don't want the acre, they want the half
4 acre.

5 VICE CHAIR LINGENFELTER: Right.

6 MS. FREEMAN: Right there, that almost --

7 MR. PETERSON: How does that help the builder
8 though?

9 MS. FREEMAN: I think it goes back to the yield
10 plan.

11 VICE CHAIR LINGENFELTER: Right.

12 MS. FREEMAN: Can they -- Would they really build
13 that, you know? Would they really build an R-1 with 40 lots?
14 Does that make sense to them or does it make sense to do an
15 RCD with 40 lots but quarter acre?

16 VICE CHAIR LINGENFELTER: Right. And I think, I
17 think, you know -- That's a good point, Rich.

18 MR. PETERSON: Give them two extra lots and they've
19 got an incentive, you know.

20 VICE CHAIR LINGENFELTER: Right.

21 MR. PETERSON: But if it's 40 and 40, there is
22 really no incentive. Leave it like it was.

23 I just moved into an RCD, so I am learning about it
24 as I am a resident, you know.

25 MS. FREEMAN: Yeah.

26 MR. PETERSON: And I've got my homeowners
27 association thinking I am not allowed -- I have a riparian
28 setback in my back yard and I am not allowed to do anything
29 with the last part of my property back there. But right next
30 door, we have one acre lots. And then coming into Stone

1 Ridge, which is our development, which is going over to
2 Girdled Road, they're all half acre lots with the riparian and
3 with the conservation zoning. And, you know, I know that
4 Dawson probably felt that he was getting a couple extra lots
5 and that was his incentive.

6 But even, even at that, it's still pretty nice. I
7 like it. It's a great idea. I like the fact that nobody will
8 ever be behind me. I have a big woods back there, and most of
9 the people on the new street will have large woods behind
10 them. So -- But I think you need to give the builder some
11 sort of carrot to get them to do that.

12 MS. FREEMAN: Well, I talked to a couple developers
13 about, you know, going through this process. And one has
14 said, you know, "Well, it would just be easier if you would
15 just say, you know, 1.5 units per acre. You know, just flat
16 out tell us what the density is that we can do," or, you know,
17 that way, there is no guessing, you know, with this bonus, you
18 know.

19 VICE CHAIR LINGENFELTER: Right.

20 MS. FREEMAN: And do we really have to go through
21 this whole exercise of developing a yield plan? And so those
22 are, those are some of the things I have heard from people.

23 You know, looking at the table of required, the
24 minimum open space and the density bonuses, I can't believe
25 that we would give a 2 percent density increase with 10
26 percent open space. Like, that's not even an RCD to me.

27 VICE CHAIR LINGENFELTER: Yeah.

28 MS. FREEMAN: You know, I think RCD, I would think
29 that you would require at least -- I don't even know what
30 number that is but not 10 percent. I would think that in

1 order to be a real RCD development, you would have to have
2 more than 10 percent. I thought that number was very low.

3 And, you know, I could go back and run some numbers
4 on the RCDs that have already been approved, you know, how
5 much open space, what their density bonuses were, what their
6 yield plan stated versus their RCD plan so we have a little
7 bit more information as far as what's already been approved.

8 VICE CHAIR LINGENFELTER: I think we've done a good
9 job on the, on the review process when some developers have
10 come to us with aggressive yield plans.

11 MS. FREEMAN: Yes.

12 VICE CHAIR LINGENFELTER: I think we've been able to
13 kind of get them to temper their, you know, temper their
14 initial estimates and remove some lots that, you know, were
15 really, quite frankly, just weren't really real lots. So --
16 But at the end of the day, I mean, I am not, I don't -- I am
17 not saying I support removing the density bonus or reducing
18 the density. I am just kind of throwing that out there as an
19 idea, you know, while we're spit-bawling this whole process
20 that, you know, is it something that we want to just take a
21 look at?

22 MR. IAFELICE: If I may.

23 VICE CHAIR LINGENFELTER: Yes, absolutely.

24 MS. FREEMAN: Oh, yeah.

25 MR. IAFELICE: So when it was generated, the RCD,
26 Andy or Frank, the minimum size lot, in my -- When I think of
27 RCD, I think of cluster, cluster and then open space, cluster,
28 open space. But that's not -- That wasn't the intent?

29 MR. PETERSON: No.

30 VICE CHAIR LINGENFELTER: No. And "cluster" is a

1 bad word.

2 MR. IAFELICE: "Cluster" is a bad word.

3 VICE CHAIR LINGENFELTER: That's not a good word.
4 You might as well just say "apartment."

5 MR. IAFELICE: But cluster units, meaning they're
6 on --

7 VICE CHAIR LINGENFELTER: Right.

8 MR. IAFELICE: They may be a lot closer together
9 than a quarter of an acre. But given how this is governed,
10 you have a good point about this, but also a good point about
11 just making it cleaner and simpler by specifying a density and
12 saying, Here is what we're going to accept. But a lot of it
13 is the intent of developers to use the last available land in
14 this township. And the more and more land, you know, it's
15 going to be inundated with -- it's not the most desirable, in
16 other words.

17 MS. FREEMAN: Right.

18 MR. IAFELICE: So they're going to have obstacles
19 and challenges to develop it, at least, as residential. So
20 really there are some good points here to discuss. It should
21 be interesting. I am glad you brought it up.

22 VICE CHAIR LINGENFELTER: Rich, do you have any
23 other comments over there?

24 MR. PETERSON: No, I am just thinking, you know.
25 Yeah, there needs to be -- I understand both sides of the
26 argument but I do think that, if I am a developer and I own
27 land that I want to consider making an RCD, what's my, what's
28 my incentive to do that unless I can get maybe two more lots
29 in there and, you know, that gives me a financial incentive to
30 do it, but two more lots as opposed to maybe ten more lots.

1 And then there is always the question of, what is
2 the terrain like? Is it hilly? Is it wet? You know, that
3 always comes into play, which came into play the last one we
4 did. There were a couple wet spots there that we had to work
5 with the developer on. But I think you can compromise that.
6 But I think there still needs to be some sort of an incentive
7 and it may be how we word the bonus. But it's worth taking a
8 look at, for sure.

9 MS. FREEMAN: Well, I think it goes back to that
10 yield plan and --

11 VICE CHAIR LINGENFELTER: Right.

12 MS. FREEMAN: You know, getting more clarity on what
13 we want them to present to the township as far as marketable
14 and feasible.

15 VICE CHAIR LINGENFELTER: But, see, when you start
16 throwing terms like "marketable" and "reasonable" --

17 MS. FREEMAN: Right.

18 VICE CHAIR LINGENFELTER: Those are such squishy
19 terms.

20 MS. FREEMAN: Right. So what do we want to do with
21 that?

22 VICE CHAIR LINGENFELTER: Those are very, you know.
23 I think we're giving, there is too much wiggle room with those
24 kind of terms. I think we need to, if we're going to continue
25 down that path, we need to ratchet that language down, you
26 know. I think we need to tighten the screws on "marketable"
27 or "reasonable," "buildable" because, I mean, the bottom line
28 is, I've been -- I don't know if you go up into some of the
29 developments that have been done recently. I mean, there are
30 some lots, I mean, I am of the opinion there is no such thing

1 as an unbuildable lot. I mean, these guys can come up with a
2 way to put a house on a lot, believe me.

3 MS. FREEMAN: Yeah.

4 VICE CHAIR LINGENFELTER: And people will buy them.
5 They will buy them, too. So I have seen houses with big
6 ravines in the front yard. I mean, you've got to come out the
7 front door and if you take ten steps, you're going to go down
8 a hill into a ravine, I mean. So it's nothing that personally
9 attracts me but, I mean, they get a house in there and it's
10 kind of a weird lot but, you know, it is still a buildable
11 lot.

12 So, you know, I think that, I think that we need to
13 ratchet that language down maybe. If we're not going to
14 tackle the density bonus per se, then we should maybe consider
15 ratcheting the language down around --

16 MS. FREEMAN: The yield plan.

17 VICE CHAIR LINGENFELTER: -- what's reasonable,
18 what's marketable, what's sellable, what's buildable, that
19 kind of stuff.

20 MS. FREEMAN: I agree, Andy, yeah. And just based
21 on what the committee had talked about, there really was no
22 mention of the density bonus. We can still look at that. But
23 I agree, if we keep the yield plan standard, we should maybe
24 do some of these things that they're recommending here and
25 then consider some of these other design kind of features, how
26 they lay it out.

27 But I do like the, you know, reduce somehow, if
28 we're going to eliminate all the environmentally sensitive
29 areas on their yield plan, that that should somehow not give
30 them that additional density bonus. I don't know how you word

1 that or what that looks like but --

2 So that's one area. I kind of feel like that one
3 might be really important since that is, you know, what we've
4 seen developers try to utilize the last few subdivisions that
5 have come in, other than the last couple phases of the PUD
6 that's already been, you know, approved, part of Quail Hollow.

7 VICE CHAIR LINGENFELTER: Right.

8 MS. FREEMAN: As Rich mentioned, Iafelice, that all
9 the land left is going to be pretty challenging to develop, so
10 we want to make sure that this is the way we want it.

11 VICE CHAIR LINGENFELTER: Well, you know, what would
12 be very beneficial would be to do something with the RCD like
13 you did with the out -- with the accessory buildings.

14 MS. FREEMAN: Oh, yeah, go through and do all the
15 numbers, yeah, yeah.

16 VICE CHAIR LINGENFELTER: Put together, yeah, go
17 through and put together a spreadsheet that can show us the
18 development, what the yield plan was, what the density bonus
19 was.

20 MS. FREEMAN: I can do that.

21 VICE CHAIR LINGENFELTER: What it ultimately ended
22 up being as far as the number of lots that were, you know, the
23 number of homes that were actually built.

24 MS. FREEMAN: Yeah.

25 VICE CHAIR LINGENFELTER: Because that, I think,
26 that will -- because going by recollection versus seeing it in
27 black and white in front of you where you can actually see
28 what went on will be very helpful because maybe we'll review
29 what actually has taken place and maybe the density bonus
30 really hasn't been that big of a bad thing, you know. It may

1 have not really been taken.

2 MS. FREEMAN: Yeah, I would be happy to put that
3 together. I can bring that --

4 VICE CHAIR LINGENFELTER: That would be nice to have
5 that tool for the next, if we have further conversation on
6 this topic to put together a nice little history of what's
7 gone on, it's helpful.

8 MS. FREEMAN: Okay. Oh, the other paper that I had
9 provided is just from the Lake County subdivision regulations
10 because we do reference that the amended RCD plan has to have
11 all the requirements that are shown on the sketch plan for a
12 subdivision. So I just had it in your packet as a reference
13 so you, kind of, view what we are expecting to see on the RCD
14 plan when they do submit it to the township.

15 Even with the last one that was submitted, the scale
16 of the plan was a 1 to 100, the developer brought in, which to
17 me made it very difficult to see every feature that you wanted
18 to, and it was all on one plan. So I kind of hope that, you
19 know, if we go through this, maybe we can specify a little bit
20 more cleaner, like, give as an existing conditions plan on a
21 separate sheet. Then give us your RCD plan of how you propose
22 to lay it all out with your proposed grading and all that kind
23 of stuff. But cramming it all on one plan on a scale of to 1
24 to 100, you miss things. You know, you can't see it all.

25 So I don't know if you maybe consider putting in
26 some preferred scale or, you know, or not. Those are a couple
27 other things that I noticed just going through the process
28 with the township and I think it would make it easier and
29 really identify where all the natural features are on a
30 property. Where is the large trees that you really want to

1 keep versus just scrub trees or second generation forest and
2 things like that. That, to me, was never really clear on
3 plans that were submitted.

4 But, okay, kind of all I really had on that, just to
5 bring that topic up to you as far as something that we may
6 want to consider working on.

7 VICE CHAIR LINGENFELTER: Any other, any other --

8 MR. IAFELICE: Those darn engineers trying to get
9 away with those small scale plans.

10 MS. FREEMAN: Yeah.

11 VICE CHAIR LINGENFELTER: Any other comments from
12 the Board on this topic? Y'all good? Everybody get their --

13 MS. FREEMAN: Yeah, even a 1 to 50 would be a lot
14 better, right?

15 MR. IAFELICE: Right.

16 MS. FREEMAN: You can do the overall but then give
17 me the detail, right?

18 MR. IAFELICE: Right.

19 MS. FREEMAN: All right. The next area that I
20 wanted to bring up to you has to do with accessory buildings
21 and accessory buildings most specifically in our R-1 and R-4
22 Districts. One thing that, one thing I noticed, even just in
23 the six years I've been here, is that the BZA has seen quite a
24 few variance requests from property owners in the R-1 District
25 that has less than 2 acres of property but they would like to
26 have two detached accessory buildings. Our Zoning Code
27 currently states, if you have less than 2 acres, you're only
28 allowed to have one and it can be as large as 1,024 square
29 feet.

30 I did provide you a spreadsheet of that. And this

1 was, I think, Kathy Mitchell had started this in 2000 for
2 something that -- or like when you guys redid all the
3 accessory buildings maybe ten years ago. In 2010, you did a
4 pretty extensive update on that. I'm not proposing to switch
5 all of that. I am suggesting that maybe we look at the lots
6 under 2 acres and determine whether or not maybe we need to
7 change the limitation of one building.

8 So of the -- And I kind of sorted this based on the
9 type of request. Some of these had, they had two variance
10 requests under the same application. So, for example, the
11 first one on the list, they had a .56 acre lot. They were
12 asking for a second building. They already had, one was 960
13 square feet and then they, actually, they ended up getting
14 approved to have a second one at 144.

15 But I did run, you know -- Of the 65 variance
16 requests that had to do with accessory buildings over the last
17 20 years, 32 percent of those, or 21, were related to wanting
18 more than one accessory building. And of those cases, of the
19 21 cases, 17 were approved and only 14 (sic) were turned down.
20 So -- And, actually, this month we have one other case coming
21 up for BZA, so there is another one.

22 So I just wonder. It makes me think, you know, is
23 something wrong with the 2 acre threshold or are we good and
24 they shouldn't be granting these variances and that they need
25 to be more firm on them or do we want to maybe consider
26 allowing, you know, maybe coming up with a different threshold
27 of, you know -- I am not sure where the 2 acre came from. But
28 in the R-1 and the R-4 Districts, you know, the minimum lot
29 size if you have no sanitary sewer is .75 acres in the R-1. I
30 did print that out just for reference here. And in the R-4,

1 you're at 1 acre for a single-family dwelling. And then when
2 you're in the R-1 and you have sanitary sewer, you're just
3 over a half acre at 22,000 square feet.

4 So this doesn't affect the RCD. They're under
5 different standards. They're only allowed to have one no
6 larger than 200 square feet. So they're in a different
7 section.

8 But under the R-1 and the R-4, specifically the R-1,
9 several variance requests, a ton of these have been approved,
10 which just made me start thinking that, is this something that
11 we need to relook at or not? Some people live in an older
12 home where their outbuilding is their detached garage, so they
13 have a two-car detached garage which counts at their one
14 accessory building.

15 VICE CHAIR LINGENFELTER: Right.

16 MS. FREEMAN: So it's hard for them, like, because
17 it's not attached to the house and then, therefore, they're
18 not allowed to have another outbuilding unless they go for a
19 variance.

20 VICE CHAIR LINGENFELTER: Right.

21 MS. FREEMAN: Other folks, they just -- they have an
22 attached garage, maybe a two- or three-car attached garage,
23 then they have a large barn on the property that they're just
24 using for stuff but not agricultural or anything like that,
25 and then they want to have a she shed or like a shed for the
26 wife, which has come up several times, it's like the man wants
27 the garage and the wife wants the gardening tools and that
28 shed. So I don't know.

29 MR. PETERSON: I think that's a valid point. As
30 long as you have your maximum limit -- What is it, 1,024,

1 1,024 square fee?

2 MS. FREEMAN: Uh-huh.

3 MR. PETERSON: If you had two and you added them
4 together and didn't exceed that, I don't see anything wrong
5 with that because the buildings could have totally different
6 purposes. For example, a guy collects cars, so he wants to
7 put a couple cars in this building and he doesn't want tools
8 and everything else in there, so a little tool shed over here
9 and his car or his boat or his wood shop or whatever he has,
10 he doesn't want to mix the uses. As long as you keep it
11 capped at the two buildings, you can only have two, not three,
12 and they don't go over 1,024 square feet, I don't see anything
13 wrong with that.

14 MS. FREEMAN: I wonder if you're on a half acre lot
15 versus a 1.9 acre lot, you know, or if you're going to --

16 MR. PETERSON: Yeah, 1.9 is quite a bit larger.

17 MS. FREEMAN: You know what I mean?

18 MR. PETERSON: Yeah.

19 MS. FREEMAN: And then maybe, you know, thinking
20 about it, like, maybe we would want to have some distance
21 between the buildings. Currently, we don't have any distance
22 requirements in between the dwelling and the accessory
23 building; or if you are going to have multiple accessory
24 buildings, we have no distance requirements. So I think for
25 safety concerns --

26 VICE CHAIR LINGENFELTER: If you look at the
27 numbers, 1,000 square fee, that's a lot of building. That's a
28 lot of building, okay, it really is. And if you have somebody
29 that has a building on their lot and they're looking, like you
30 said, like it's a barn or something that was preexisting, or a

1 garage, detached garage, I mean, to put a, for an example, to
2 put like a 12 by 16 storage barn, which is a pretty decent
3 size storage barn, 12 by 16, it's a pretty good size.

4 That's -- What's 12 by 16, 190, 140, 150 square feet? It's
5 not very much, I mean, it really isn't. What was the number?

6 MR. IAFELICE: Like 200.

7 VICE CHAIR LINGENFELTER: Yeah, 12 by 16 is, what,
8 that's 192 square feet. That doesn't even put a scratch on
9 that 1,000 square feet, I mean, it really doesn't. And
10 that's -- And a lot of people would be very happy with just a
11 storage barn to put their garden implements, maybe park the
12 tractor, you know, their weedwacker and their leaf blower and
13 some garden tools, a wheelbarrow, you know. So I don't -- I
14 think sometimes penalizing, I think, the penalty sometimes for
15 something that you are inheriting if you're buying it, you
16 didn't do it. Or look at people that maybe they have a house,
17 they've got a storage shed and now they're going to put an
18 in-ground pool in and they want to put a pool house out, put a
19 pool house in, right?

20 MS. FREEMAN: Yes.

21 VICE CHAIR LINGENFELTER: They can't put a pool
22 house, right? They already have their storage shed, so
23 they've met their, if they're on less than the required acre,
24 they've got an outbuilding, they've got their accessory
25 building.

26 MS. FREEMAN: That's true.

27 VICE CHAIR LINGENFELTER: They can't put a pool
28 house in. And a pool house can be a very nice thing to have,
29 would be very convenient. And we're not talking, you know, a
30 30 by 40 pool -- You're talking, again, something probably the

1 size of a storage shed, you know, 16 by 12 or 20 by 12 or
2 something like that. We're talking a couple hundred square
3 feet and I don't think that's a big deal. So do we want to
4 inhibit that kind of accessory building, you know, usage if it
5 makes good sense to do, you know? I don't know.

6 I know I have a neighbor that has, he has more than
7 an acre but less than 2 acres. He built, he's got an
8 in-ground pool. He's got a really nice building next to the
9 pool. And now he would like to put a storage shed in but he
10 can't because he's got the building with the pool.

11 MS. FREEMAN: The pool house.

12 VICE CHAIR LINGENFELTER: So he would like to put,
13 because the building with the pool is not a shortage shed,
14 it's kind of an accessory building that's more for the pool,
15 more for the pool and recreation use than it is for utility,
16 so he would like to put, he'd like to put a storage shed in,
17 too, but he can't because he's less than the requirement.
18 He's got his one building and he can't do anything more.

19 MS. FREEMAN: Yeah.

20 MR. PETERSON: It is hard to have one building that
21 meets all needs, you know.

22 VICE CHAIR LINGENFELTER: Right.

23 MR. PETERSON: Can't be a pool house and a, you
24 know, a tool shed and a car barn or a bunk barn or a wood
25 shop. It can't all be in one, you know. It almost has to
26 have multiples if you are going to have that.

27 MR. IAFELICE: I have two questions. So, Heather,
28 typically, BZA, a variance, they demonstrate a hardship to get
29 an approval. So I see all these approvals.

30 MS. FREEMAN: Yeah.

1 MR. IAFELICE: In your experience, what they're
2 reporting, they're able to demonstrate a hardship to get these
3 variances? There is all sorts of numbers here.

4 MS. FREEMAN: Right, I know, yeah.

5 MR. IAFELICE: I am not sure I understand.

6 MS. FREEMAN: So most of these have to do with
7 setback standards. So the second, you know, the first --

8 MR. IAFELICE: First page.

9 MS. FREEMAN: -- page, about halfway, two-thirds of
10 the way down has to do with number of buildings. And then
11 everything else, front yard, rear yard, side yard, those are
12 setback requests.

13 But back to your question, so this would be
14 considered an area variance where they are supposed to prove
15 some kind of practical difficulty with complying with the
16 district requirement of only one outbuilding. Now, some
17 people, you know, they go up there and they argue about the
18 mixed uses and, look, this is -- I have my detached garage, my
19 cars are in there and now I have this pool and I really need a
20 pool house. So we've seen those kind of arguments. I don't
21 know how that really, as you go through the Duncan Factors, if
22 that really checks off the list, you know.

23 I am not going to, you know -- I know that the BZA,
24 sometimes they look at, okay, what's the combined square
25 footage of the two buildings? We know this guy has a, like,
26 for the first one, we know this guys already has a 900 square
27 foot building. Now he wants a 144. I didn't look into the
28 details of any of these cases, so I don't really know what the
29 specifics were. But what did that put him at? I don't know.
30 He's probably over the 1,024. But I have seen people try to

1 use that argument, too, in front of the board and they kind of
2 looked at that.

3 And some of it has to do with if there is opposition
4 or is the lot really close to 2 acres? We've had some
5 requests, you know, where they're just under or they're at 1,
6 you know, 1 and a half acres or -- So I am not sure if lot
7 size is coming into play when they're making that decision.

8 MR. IAFELICE: Then is it the BZA that is suggesting
9 we --

10 MS. FREEMAN: Well, no, the BZA didn't ask you to
11 take a look at it.

12 MR. IAFELICE: Oh, okay.

13 MS. FREEMAN: I just noticed they were granting
14 these all the time, and so I just thought I would bring that
15 up to you. They didn't specifically say, "Hey, you need to go
16 talk to the Zoning Commission about fixing this." I was
17 thinking of trying and I thought, well, why don't I bring this
18 up in case this is something you guys want to look at. This
19 is not that, like, on the scale of priorities, it's not high
20 up. You know, it is just another something small that maybe
21 we could even do this later on coupled with some other minor
22 amendments, you know. It's not -- or not at all. You could
23 just leave it as is, too. I just thought I'd bring it to your
24 attention.

25 MR. IAFELICE: The second point, Mr. Chairman, is
26 the single building, the reason there was a single building
27 number permitted is related to proximity to the neighborhood,
28 the neighbors and/or aesthetics or just general multiple
29 outbuildings on a property that deter from property value for
30 the neighbors?

1 MS. FREEMAN: Yeah.

2 MR. IAFELICE: Is that the genesis of why there is
3 only one? But the variances are being granted to give them
4 more than one. So I always go back, what was the rationale of
5 one? And I always respect the author, you know, or the
6 authors that generated this. There had to have been a lot of
7 thought into why it was done this way. And I am presuming
8 that's why the single onem as opposed to, well, allow three or
9 four buildings as long as they don't meet 1,024. If that was
10 my neighbor, I would be a little flustered by that, no doubt,
11 no doubt.

12 MR. PETERSON: 1,024 is a pretty good size.

13 MR. IAFELICE: That's a pretty good size building.

14 VICE CHAIR LINGENFELTER: That's a lot. That's a
15 big building.

16 MS. FREEMAN: Do you guys want to reduce that? No.

17 MR. IAFELICE: Right.

18 MR. PETERSON: I bought a three-car garage accessory
19 building and it's 768.

20 MS. FREEMAN: Did you want to make that smaller?
21 No.

22 MR. SCHINDLER: May I? The BZA has a lot of
23 flexibility because I know, in my neighborhood alone, when
24 people ask -- they come up to me because they know I am on the
25 Zoning Commission -- "Can we do this?" in essence, I try to
26 say, well it's not that you can't do it but a lot of it has to
27 do with what you are going to do with your building.

28 I have a building right now in my development. Rich
29 pointed out about cars. This gentleman has three antique
30 cars. He built a separate building for it with a second

1 level. He went up.

2 MR. PETERSON: Wow.

3 MR. SCHINDLER: And what they did was -- And he's a
4 really nice guy. I want you to understand me. And building
5 looks nice but it looks like a second house on his property.
6 And the thing of it is, they just went to the neighbors on
7 both sides of him, asked him if they objected to it and they
8 said no because they saw what he was going to build and they
9 gave it to him. They said okay. So there wasn't really any
10 strict guidelines that we set up here that would stop that.
11 Since the BZA has so much flexibility, unless we really put
12 some governing restraints on them, this is the way it's been.

13 Even, even on my neighbor next to me, he built a
14 little shed that was a play house for his kid. And as the kid
15 grew up -- of course, now they're off to college and grew
16 away -- he wanted to extend this to make it a storage but it
17 was right up against my property line. But my neighbor came
18 up to me and said, "Frank, would you mind if -- You know, it's
19 here. I just want to expand it out just a little bit." And I
20 looked. I said, to me, it wouldn't bother me because it's way
21 at the back of my property. So as far as an eyesore, it
22 wasn't. He did a real nice job, closed it all in and put
23 siding on it, everything, windows and all that. But, there
24 again, the BZA came and just said, "Would you object to it?"
25 And I said, "No, I don't." It's fine. It's not an eyesore
26 for me. As a matter of fact, it looks nicer than the house
27 that he built for his kid, you know, play house. So it went
28 up. He did it and it looks fine.

29 But that's how the BZA, basically, tries to work
30 with the neighbors and if it fits in and it's not an eyesore

1 per se in the development, I think that's the way they've
2 granted a lot of these over the years and that's how it's been
3 done. So unless we, as a Board, put a lot of governing
4 restrictions into something like this, then I think that's
5 going to be a big effort. We might want to consider, how do
6 we want to attack this if this is going to be an issue?

7 Because I know the BZA comes to us all the time, in
8 a sense, and says, "What can I do, you know? This guy is
9 coming. Is it okay?" They ask us to try to help them but
10 then, again, we don't have a lot of stuff in here governing
11 any kind of excessive restrictions other than what we put the
12 square footage down and that's it. As long as it doesn't
13 exceed the size of the building, the main building structure,
14 which is the home, they normally give them the okay to do
15 that.

16 MS. FREEMAN: Well, even if you add more
17 restrictions, they can always ask for variances on every
18 single one.

19 MR. SCHINDLER: Oh, of course. What's what the
20 board is for.

21 MS. FREEMAN: Yeah, yeah.

22 MR. SCHINDLER: That's what the board is for.

23 MS. FREEMAN: But it is kind of unusual, I think,
24 that they would even grant these because how can you really
25 truly prove a practical difficulty with compliance?

26 MR. PETERSON: Right.

27 MS. FREEMAN: What, you have too much stuff, you
28 know? So, I mean, it is the way they voted, so I don't know.
29 I mean, I know we had a case last month that the applicant was
30 in front of the board. He already had two detached accessory

1 buildings, one of them was nonconforming. It was like 2,300
2 square feet in size, and then the other one was a smaller,
3 like 300 square feet. And he had just put in a new in-ground
4 pool and a fence and everything and he wanted to have another
5 -- He called it just a storage shed for his pool equipment.
6 He didn't call it a fancy pool house. And they ended up
7 turning him down, you know, really because there was -- you've
8 already got all this square footage, way over what you're
9 allowed. And, you know, you're close to 2 acres. But, you
10 know, he brought pictures of all of his stuff he had inside
11 the buildings, which I don't helped because there was -- it
12 was just cram-packed full, you know, stuff. So I don't know.

13 It's interesting watching them make their decisions
14 on that but, like I said, this came up, you know, a bunch, so
15 I thought I would bring it up to see if that was something
16 that you think we need to tweak or not, you know. Maybe it's,
17 you know, maybe it's the BZA having to scrutinize those a
18 little bit harder.

19 MR. PETERSON: First of all, I think it has merit.
20 I think it has merit for considering two. But that guy up on
21 84 and 44 that has all the outhouses, he must have about five
22 outhouses in his yard. Now, that's crazy.

23 MS. FREEMAN: And cars, right?

24 MR. PETERSON: And cars, yeah, and gas pumps. But
25 that's crazy. I understand that but two need buildings that
26 don't exceed 1,024 square feet, I don't see a problem with.

27 MS. FREEMAN: Or maybe there is some exception, like
28 if your first accessory building is your garage, that you
29 should be allowed to have --

30 MR. PETERSON: True.

1 MS. FREEMAN: -- some other smaller shed or
2 something like that. I don't know. There is different ways
3 to look at it. Most houses now that are being built have
4 attached garages. It's the older homes that have a detached
5 where that comes up.

6 MR. PETERSON: Yeah, true.

7 MS. FREEMAN: We can just hang onto that
8 information.

9 VICE CHAIR LINGENFELTER: Any other comments, any
10 other comments on the accessory building stuff? (No
11 response.) Let's tackle signs.

12 MS. FREEMAN: Okay.

13 VICE CHAIR LINGENFELTER: Let's do signs.

14 MS. FREEMAN: Signs, all right. So I know that the
15 township went to a pretty comprehensive sign code update that
16 was adopted beginning of 2014, I believe. It's right here.

17 MR. PETERSON: That's about right.

18 MS. FREEMAN: Yeah, you even hired a planning
19 consultant to helped you go through that whole process,
20 correct?

21 MR. PETERSON: Right.

22 MS. FREEMAN: D. B. Hart helped with that, right?

23 MR. PETERSON: Yep.

24 MS. FREEMAN: Okay. Since then, there was a pretty
25 significant Supreme Court case, *Reed versus The Town of*
26 *Gilbert*. I don't -- We talked about that a while back,
27 roughly or briefly. I did give you like a summary of that
28 case that came out shortly after that but we haven't had the
29 opportunity to, kind of, relook at our sign code after that
30 but there are some things in here that I am concerned about

1 that may -- okay, let me -- Yeah, there are some things in
2 here that are content based on the signage. So if you have to
3 read the sign to know how to regulate it, then it's content
4 based, which means you could be subject to strict scrutiny
5 from the courts.

6 So when you say a real estate sign or a project
7 construction sign or, you know, those type of signs, then you
8 may get into trouble with favoring one type of speech over
9 another. So in order to protect everyone's First Amendment
10 rights, you should not have to read the sign to know how to
11 regulate it. So you can regulate the location of the sign,
12 the size of sign, how long it can be up, but you really can't
13 make a differentiation between the message on the sign.

14 So I listened to, I did a webinar not that long ago
15 that the International Sign Code Alliance put on there and I
16 give you a couple slides in here but, basically, calling out
17 political signs, real estate signs, grand opening signs and
18 calling them out specifically in your code and regulating them
19 differently could get you into trouble.

20 I think our, just looking at our code, you know, our
21 permanent signs in most of our districts, our permanent signs
22 were fairly good. It's our temporary signs where I am seeing
23 a lot of references to what the message says. And I did print
24 out just that one section of the Resolution for those that
25 might have not brought it. Here you go.

26 MR. IAFELICE: Yep, I got it, under 30.09.

27 MS. FREEMAN: Under 30.09.

28 VICE CHAIR LINGENFELTER: Thank you, Heather.

29 MS. FREEMAN: So 30.09(A) talks about temporary
30 signs in all, in all of the zoning districts in the township.

1 And so the first one is a free-standing project construction
2 sign. And we have definitions, I think, for all of these that
3 are in the section. But basically, under this, you're allowed
4 to have one project construction sign, 32 square feet, and it
5 has to be set back 10 feet, but it's only allowed to be up
6 during the time that the building or project is under
7 construction.

8 Then if you move into (A) (2), you're talking about a
9 free-standing project contractor sign. Now, with these,
10 you're only allowed to have one and it's only allowed to be 4
11 square feet and no taller than 3 and a half feet. And this
12 one has to be removed within two days of the completion of the
13 work being done.

14 And then we kind of group together political and
15 real estate signs. We have no standard as far as size, height
16 or setback requirements -- in a section later on, we prohibit
17 all the signs in the public right-of-way -- but there really
18 are no standards on that.

19 VICE CHAIR LINGENFELTER: Yeah, we talked about, I
20 remember when we talked about political signs.

21 MS. FREEMAN: And that's touchy, right, and I don't
22 have a legal opinion on that, so we definitely have to talk to
23 legal about political signs. But go ahead. I'm sorry.

24 VICE CHAIR LINGENFELTER: I was talking about, like,
25 limiting the number of political signs. Like when we were,
26 you know, you see somebody that's got a lot of frontage, so
27 they put a sign, you know, they put like 30 signs in their
28 yard for political. It's like, you know, do we, you know -- I
29 wasn't thinking right that day when I brought up the fact that
30 maybe we should consider limiting that because that was like a

1 big no-no, a big no-no. That got shot down really quick by
2 legal.

3 MS. FREEMAN: Yeah.

4 VICE CHAIR LINGENFELTER: Because of the, because of
5 limiting free speech, you know.

6 MS. FREEMAN: Right. And I think political signs
7 are going to be tough even if we do try to update the
8 temporary signs.

9 VICE CHAIR LINGENFELTER: Yeah, I don't think you
10 are touching that one, I really don't.

11 MS. FREEMAN: Yeah. I know like --

12 VICE CHAIR LINGENFELTER: I think that's a losing,
13 that's a losing argument.

14 MR. PETERSON: Yeah, it's tough. My brother's a
15 trustee in Montville and he said two political signs were put
16 up on the Town Hall property last night. He was going to take
17 them down and then he checked into it and they said, as long
18 as they're 100 feet from the door, they're allowed to be
19 there, so even though it's on township property.

20 MS. FREEMAN: Wow.

21 VICE CHAIR LINGENFELTER: Yeah, that's a bugaboo.

22 MS. FREEMAN: Yeah.

23 MS. GARCAR: Is there a limitation to political
24 signs in size?

25 MS. FREEMAN: No, nothing. No, currently, there are
26 no size limitations at all.

27 VICE CHAIR LINGENFELTER: No. As many as you want,
28 as big as you want.

29 MS. FREEMAN: Yeah.

30 MR. PETERSON: Oh, yeah.

1 VICE CHAIR LINGENFELTER: A matter -- Because it's
2 temporary.

3 MR. PETERSON: There's some big ones out there.

4 VICE CHAIR LINGENFELTER: It's just for the period
5 of the election cycle. There is a time frame when you can
6 start putting them up and then, after the election, you take
7 them down. So it's, they're just temporary, so it's a
8 temporary eyesore.

9 MS. FREEMAN: Same thing with like real estate
10 signs. We just say you're allowed to have them.

11 VICE CHAIR LINGENFELTER: Right.

12 MS. FREEMAN: We don't have any restrictions on it.
13 Those don't really become a problem other than the weekend
14 thing. People put them at the corners, they're illegal, and
15 usually they're gone by Monday, you know, kind of --

16 VICE CHAIR LINGENFELTER: Yeah, the only thing that
17 I think that recently, at least, in more current issues that
18 has come back to kind of haunt us a little bit is the Verizon
19 building sign that they put up. You know, I mean, they got a
20 big "Verizon" on the side of the building, on three of the
21 four sides of the building. You've got 2 foot or bigger --
22 I'm not, you know, it looks like at least 2 feet or maybe,
23 maybe even bigger, the words "Verizon" on the building, and
24 then they put up a gigantic Verizon sign free-standing on top
25 of that, you know, and because they could, right?

26 MS. FREEMAN: Unfortunately, there was a loophole
27 there. They were allowed to go -- Is that 20 feet?

28 VICE CHAIR LINGENFELTER: Oh, I think --

29 MS. FREEMAN: Or 30 feet?

30 VICE CHAIR LINGENFELTER: Yeah, I think it's 30

1 feet. Yeah, I think it's 30 feet. Yeah, it's --

2 MS. FREEMAN: And there was like a bonus, being a
3 corner lot, if you put it on the corner.

4 VICE CHAIR LINGENFELTER: Right, yeah, it was --
5 That's probably one of the more recent things where --

6 MS. FREEMAN: Right.

7 VICE CHAIR LINGENFELTER: -- it was kind of an
8 egregious, you know, take advantage of the code type of thing
9 to put up. I think that sign was completely unnecessary but
10 they could do it because they were allowed. So --

11 MS. FREEMAN: Which we did change that.

12 VICE CHAIR LINGENFELTER: Right, right. But that
13 was one, that's one that gets, you know, that people can
14 relate to because it's, it didn't happen that long ago and it
15 happened, you know. It's pretty obvious where signs can come
16 back to kind of bite you.

17 MS. FREEMAN: Well, and with the, just looking at
18 the sign resolution, like I said, I think we're fairly good on
19 our permanent signs. There might be a couple small things but
20 I would, you know -- But looking at the temporary signs again,
21 like, we talk about just in residential districts, you know,
22 we have regulations that say you're allowed to have one
23 temporary sign promoting a garage sale. You know, so what if
24 their sign said something else, like, you know, and it wasn't
25 promoting a garage sale and then we got a complaint from a
26 neighbor that said, you know? We wouldn't be able to really
27 enforce this, you know, is what I am staying because in order
28 to enforce the Resolution, you have to be able to read the
29 sign, or how to enforce the Resolution.

30 So in this, even with this, we don't even specify a

1 size of this sign that they're allowed to have. So I just
2 have some concerns about that.

3 Even in our commercial districts --

4 VICE CHAIR LINGENFELTER: How are we doing, how are
5 we doing with enforcement on that, Heather?

6 MS. FREEMAN: Which?

7 VICE CHAIR LINGENFELTER: With the, like, for
8 example, like the free-standing project contractor signs. So
9 some landscaping company comes in, they're going to do
10 landscaping at your house, right? Well, they want to put a
11 landscaping sign out. It clearly states that within two days
12 of completion of the work, they've got to remove the sign.

13 MS. FREEMAN: We really, I mean, how would we even
14 know when the work is done? It's really --

15 VICE CHAIR LINGENFELTER: Right.

16 MS. FREEMAN: -- not that easy to enforce, I mean,
17 unless it was like a complaint like, "My neighbor has this
18 power wash sign in for two years in the front yard."

19 VICE CHAIR LINGENFELTER: Right.

20 MS. FREEMAN: Even with that, I would be hesitant
21 on, you know, doing anything because if it said "Vote Trump"
22 or "Vote Biden," technically, it would be a political sign and
23 I couldn't say anything, you know. And it goes back to why do
24 I -- I shouldn't have to read the sign to know how to enforce
25 it. But if they're clearly in the road right-of-way, that's
26 another thing. We will pull signs that are in the right-of-
27 way, not political signs because we're not going to upset that
28 kind of thing. But then there we are again, like, picking
29 enforcement based on what the sign says and it -- you can
30 really get in trouble for that. So --

1 MS. GARCAR: What is your reason for not taking
2 signs in the right-of-way that are political?

3 MS. FREEMAN: Because they're all in the right-of-
4 way. If you drive around, they're virtually all in the right-
5 of-way. The road right-of-way is actually, like in a
6 subdivision, it's probably about 18 feet back from the curb.
7 So if you don't have your sign like, basically, you know, like
8 20 feet back from the edge of the pavement, you're in the road
9 right-of-way. It's, in a subdivision, on --

10 MR. IAFELICE: Every one.

11 MS. FREEMAN: Yeah, I mean, on most streets it's a
12 60-foot road right-of-way, even Girdled and Ravenna. The ones
13 right across the street here that are all on the vacant lot,
14 they're probably in the road right-of-way. I don't remember
15 exactly. They're not as close as some but --

16 VICE CHAIR LINGENFELTER: Yeah, there's a lot of
17 violations out there.

18 MS. FREEMAN: Yeah, there are. And this year, this
19 is the first year I've actually gotten some complaints about
20 political signs where I've had to go and talk to people about
21 moving them back because they're blocking intersections, cars
22 pulling out of developments where people can't see to make the
23 turn, things like that.

24 VICE CHAIR LINGENFELTER: Yeah, it becomes -- It's
25 not a matter of free speech, it's a matter of safety.

26 MS. FREEMAN: Yeah, right.

27 VICE CHAIR LINGENFELTER: Public safety when you get
28 into the road right-of-way. That's why, you know, the road
29 right-of-way is a problem.

30 MS. FREEMAN: Yeah.

1 VICE CHAIR LINGENFELTER: Yeah, and then you get
2 some of those big signs, you know.

3 MS. FREEMAN: Right.

4 VICE CHAIR LINGENFELTER: Put that in the road
5 right-of-way, I mean, it can -- that could cause an accident.

6 MS. FREEMAN: Yeah. There was one on Ravenna and
7 Exmoor, at the corner there, and it was -- you couldn't see
8 over it at all. It was one of those big political signs.
9 There was a couple like that this year that, you know, talking
10 to people, they'll move them back, you know. They'll do it.
11 It's not a big deal.

12 VICE CHAIR LINGENFELTER: Right.

13 MS. FREEMAN: But we don't have any size
14 restrictions. There is, the only thing is to say not the
15 right-of-way but you really, we're not really enforcing that
16 fully. Technically, under the Resolution, we have the
17 authority to pull any signs that are in the right-of-way. We
18 would not do that with political signs. We would work with
19 the property owner to move them back if there was an issue, a
20 visibility type of issue.

21 VICE CHAIR LINGENFELTER: Right.

22 MR. IAFELICE: Mr. Chairman.

23 VICE CHAIR LINGENFELTER: Yes.

24 MR. IAFELICE: So, Heather, I am just a little
25 confused.

26 MS. FREEMAN: Okay.

27 MR. IAFELICE: So the Reed, the Reed case talks
28 about the content neutral.

29 MS. FREEMAN: Yeah.

30 MR. IAFELICE: Are you saying that or are we

1 surmising that by saying political and real estate signs,
2 we're talking about the content?

3 MS. FREEMAN: Yes.

4 MR. IAFELICE: And we need to modify that language
5 to be content neutral?

6 MS. FREEMAN: Correct.

7 MR. IAFELICE: And just call it a sign.

8 MS. FREEMAN: Right, call it a yard sign, call it a
9 wall sign.

10 MR. IAFELICE: Okay. So that's --

11 MS. FREEMAN: Yes, call it something else other
12 than -- right. I am sorry. That brings me back to, yeah --

13 MR. IAFELICE: Right.

14 MS. FREEMAN: -- signs that are permitted. You
15 know, you can regulate the type, you know, the structure of
16 the sign. Is it a sidewalk sign, an A-frame sign, you know?
17 And we have some restrictions on it. We call it a sandwich
18 board sign. The banner signs, you know, we can't call it a
19 "For Sale" sign, you know. But a lot of these signs are
20 really just yard signs and instead of saying a real estate
21 sign, we can call it a yard sign.

22 MR. IAFELICE: I see, yep.

23 MS. FREEMAN: Yes. Thank you for bringing -- for
24 asking that.

25 MR. IAFELICE: Okay.

26 MR. SCHINDLER: Heather, we don't have any language
27 in that says the sign can't be inflammatory verbiage, do we?

28 MS. FREEMAN: No.

29 MR. SCHINDLER: So someone -- I mean, I saw a sign,
30 because of the election, in Painesville that it was kind of

1 bad.

2 MS. FREEMAN: I don't think we're allowed to do
3 that.

4 MR. SCHINDLER: We can't do that at all, huh?

5 MS. FREEMAN: Someone called me and complained there
6 was one over on Button Road that has a curse word on it and
7 they were like, "Can you make them remove it?" And I'm like,
8 "Unfortunately, no, I can't." It's your freedom of speech,
9 you know. So --

10 MR. SCHINDLER: Well, it's just a shame because, you
11 know, you can put verbiage in such a way that it can incite
12 riots. We already have an individual that sort of does that
13 already, in a sense. So that, you know, when you can incite
14 people to become violent with the verbiage or whatever you
15 might say, that's, you know, just like saying "fire" in the,
16 you know, theater. That can be kind of devastating sometimes,
17 especially in the times that we live today. People get irate
18 sometimes and can cause devastation, you know, they take out
19 their anger in such a way. That's a shame.

20 MS. FREEMAN: I don't think it's very common.

21 MR. SCHINDLER: Oh, it's not common but it does
22 happen though.

23 MS. FREEMAN: Yeah.

24 MR. IAFELICE: Mr. Chairman, so, procedurally, how
25 does the Board initiate or go through text changes or
26 suggested? Is that something that goes to staff?

27 VICE CHAIR LINGENFELTER: Traditionally, we do like
28 a work session. Heather will, you know, just like she's done
29 today, she will put together some ideas that we should discuss
30 and then we go through work sessions. We kind of put together

1 what we're comfortable with and then there would be a public
2 hearing.

3 MR. IAFELICE: Okay.

4 VICE CHAIR LINGENFELTER: And then, you know, go
5 through the normal process.

6 MR. IAFELICE: All right. I assume there is times
7 when you do hire a consultant, like some complex text.

8 MS. FREEMAN: Yes.

9 MR. IAFELICE: Like you did with D. B. Hart?

10 MS. FREEMAN: Yeah.

11 VICE CHAIR LINGENFELTER: Yeah, for the most part --

12 MR. IAFELICE: For the most part.

13 VICE CHAIR LINGENFELTER: -- we haven't really
14 engaged professional advice on too many things. The majority
15 of the time, we kind of noodle it ourselves.

16 MS. FREEMAN: Well, since I've been here, we haven't
17 hired a consultant, but you guys had just redone your sign
18 resolution.

19 VICE CHAIR LINGENFELTER: Right.

20 MS. FREEMAN: And then the Town Center, the Town
21 Center language was, Mark Majewski helped with that because he
22 helped write the Comp Plan Update.

23 VICE CHAIR LINGENFELTER: Correct.

24 MS. FREEMAN: So he wrote that as well.

25 MR. IAFELICE: I saw that, okay.

26 MS. FREEMAN: But, yeah, I think if we were going to
27 do something really significant, you know, we would look at
28 hiring --

29 VICE CHAIR LINGENFELTER: Yeah, it's always good. I
30 think there is definitely value in bringing in a third party

1 for some consulting --

2 MR. IAFELICE: Yep.

3 VICE CHAIR LINGENFELTER: -- if it's a pretty, you
4 know, if it's a pretty big issue or if it's something that
5 there is some legal wrangling that could be, potentially, or
6 some entanglements that could occur, you know, it would be
7 good to have a third party to come and advise us or guide us
8 through that process to keep us out of legal entanglings that
9 could come with it. So --

10 MR. IAFELICE: Thank you.

11 MR. SCHINDLER: There is also times that we get
12 Heather to research other communities, what they've done.

13 MR. IAFELICE: Sure.

14 MR. SCHINDLER: And look at some of the language
15 they've used to also help us. We have done that, too, in the
16 past, too.

17 VICE CHAIR LINGENFELTER: Any other comments from
18 the Board on signs, speak now. No? Okay.

19 MS. FREEMAN: I think, you know, if we do decide to
20 look at the signs, we are definitely going to have to work
21 with our legal counsel on that, too, you know, and make sure
22 that they're reviewing anything that we may recommend.

23 VICE CHAIR LINGENFELTER: Right, agreed.

24 MS. FREEMAN: Because it's a very sensitive subject
25 here.

26 VICE CHAIR LINGENFELTER: I agree.

27 MR. IAFELICE: Sure.

28 VICE CHAIR LINGENFELTER: Thank you, Heather. Once
29 again, great work, appreciate the information and the
30 presentation. It's always quality work that you put forward.

1 Okay. The next item on the agenda is the approval
2 of the minutes of the September 1, 2020, Zoning Commission
3 meeting. I will entertain a motion.

4 MR. SCHINDLER: Mr. Chairman, I so move that we
5 accept the minutes as written.

6 MR. IAFELICE: I will second that motion.

7 VICE CHAIR LINGENFELTER: We have a motion made and
8 seconded. All those in favor say aye. Opposed?

9 MR. PETERSON: Andy, I am going to abstain because
10 I, somehow, I didn't get my packet in the mail, so didn't get
11 a chance to --

12 VICE CHAIR LINGENFELTER: So we have three eyes and
13 one abstention. Were you on the -- You can't vote because you
14 weren't part of the panel, so nothing personal.

15 MS. GARCAR: That's fine, okay.

16 MR. SCHINDLER: You abstain.

17 VICE CHAIR LINGENFELTER: But we will take your aye
18 as a participatory aye.

19 MS. GARCAR: Okay. I'll abstain.

20 (Three aye votes, no nay votes, two abstentions.)

21 VICE CHAIR LINGENFELTER: Okay. So the minutes are
22 approved as presented.

23 The next item on the agenda is the correspondence
24 report by Zoning Commission members. Frank, what do you have?

25 MR. SCHINDLER: I had several of my neighbors
26 approach me a couple weeks ago about the Van Loon property
27 that's the conservancy because they've had vandalism back
28 there and they've had fires and stuff back there and burned
29 some of the building up already, and they asked what the
30 township can do about that.

1 VICE CHAIR LINGENFELTER: Really?

2 MR. SCHINDLER: So I approached Heather and she did
3 some research for us. And the property owner who owns it,
4 which is Silvers, finally brought in some people and they took
5 down the building that had been somewhat destroyed by the fire
6 and made it less chance of somebody getting hurt back there.
7 And that's what they were worried about, kids going back
8 there, because they're back there all the time doing things.
9 Unfortunately, they even, I was told -- I don't know this for
10 a fact but I was told that they even, the Sheriff's
11 Department, arrested some of them for drug abuse that was
12 happening back there on that property. So that was the thing
13 I got involved with in the last couple weeks.

14 VICE CHAIR LINGENFELTER: Any correspondence you'd
15 like to share?

16 MS. GARCAR: No, I had none, I don't think.

17 VICE CHAIR LINGENFELTER: None?

18 MR. IAFELICE: Nothing from me, Mr. Chairman.

19 VICE CHAIR LINGENFELTER: Nothing.

20 MR. PETERSON: Other than the erroneous email from
21 Delaware County, I had nothing.

22 VICE CHAIR LINGENFELTER: Yeah, I was also copied on
23 that email.

24 MR. PETERSON: I saw that.

25 VICE CHAIR LINGENFELTER: I don't have anything to
26 report. I didn't get any correspondence.

27 Audience participation, don't rush to the podium.
28 Take your time, one at a time.

29 MS. FREEMAN: There is no one on the phone either
30 now.

1 MR. PETERSON: Single file.

2 VICE CHAIR LINGENFELTER: Anybody on the phone?

3 MS. FREEMAN: No.

4 MR. IAFELICE: Preoccupied.

5 MS. FREEMAN: No.

6 VICE CHAIR LINGENFELTER: Nobody is even on the
7 phone?

8 MS. FREEMAN: No, no one is on the phone right now.

9 VICE CHAIR LINGENFELTER: Come on. This has been an
10 exciting meeting. I can't believe we didn't bring at least --

11 MS. FREEMAN: There was one resident that did email
12 the last couple of days that was planning on listening in, so
13 I don't know if they joined or not.

14 VICE CHAIR LINGENFELTER: Okay. So the audience
15 participation, we are going to mark that as a completed with
16 no participation.

17 The next meeting of the Zoning Commission is
18 scheduled for December 1st. My goodness, the year is over.
19 Are we good for December 1st or do we have any -- Do we have a
20 chock-full agenda again?

21 MS. FREEMAN: Well, we will see what happens with
22 the public hearing and I can come back with some of the stuff
23 on the RCD, gather that information for you. If you guys
24 think of anything, feel free to email me if there is something
25 you want me to look at or send you in advance, you know. We
26 can communicate throughout the month.

27 VICE CHAIR LINGENFELTER: Yes. By all means, we
28 encourage the members, if there is something, if there is an
29 issue that's burning that you would like to bring to the
30 forefront, do not hesitate. By all means, we will get it on

1 the agenda.

2 MR. IAFELICE: Like the property Frank was referring
3 to?

4 VICE CHAIR LINGENFELTER: Yes, exactly, exactly.
5 That really surprises me.

6 MS. FREEMAN: That's good to hear. I never knew
7 that they took it down.

8 MS. GARCAR: Is that the one the entrance is right
9 off of Mountain Park?

10 MR. SCHINDLER: Yeah, there is an entrance -- Well,
11 it's not quite an entrance. It looks --

12 MS. GARCAR: It was an entrance.

13 MR. SCHINDLER: It's been growth over over the years
14 because, you know, that's considered still under the
15 consortiumship for a hundred years. Well, maybe it's less
16 than 100 now. That was voted on probably five years ago, so
17 right now 95 years maybe. They can't -- But They can build
18 where the home that Mrs. Van Loon lived in and the area of her
19 outbuildings and stuff, that can still be built on if it stays
20 residential. But, see, the land was turned over to the
21 consortiumship and, right now, even though you will see a big
22 sign on Route 84, 30 acres, developable land, that's
23 misleading because, because of what that land has been --
24 because she turned it over to a consortiumship. They didn't
25 want the property to be build on.

26 MS. GARCAR: Gotcha.

27 MR. SCHINDLER: Okay? So they're actually taking
28 care of it but the property, technically, is still owned by
29 Silvers. He bought it. He's been trying to sell it off
30 because he knows he can't build on it. So he's got, more or

1 less, his hands tied. But in the meantime, the home that she
2 lived in started to deteriorate and it started being
3 vandalized over the years. And the people who butt up to
4 that, you know, after seeing this stuff happening, so that's
5 when it was brought to my attention about they did set the
6 place on fire. And based on that, of course, all the other
7 things, if you go back there, there is a lot of bad graffiti
8 on the buildings that are still standing. It's terrible. I
9 mean, how kids can even speak that way is beyond me.

10 Anyhow, they did, Silvers did have, like I say,
11 someone come out and take down the parts that already had
12 burnt to a more safe level, from what the neighbors tell me,
13 but there's still some buildings that are still there. So
14 kids do still go back there and play around and do their thing
15 and it's quite a shame and the neighbors worry about somebody
16 getting hurt back there, you know.

17 I would think -- and this is only my personal
18 opinion -- that if I was Silver, I would take everything down
19 completely because, technically, I am sure, if somebody gets
20 hurt, they could probably sue him because that property
21 actually still belongs to him. So -- But this is the thing
22 that's been ongoing because, my involvement, because I live in
23 the neighborhood. So, right now, they told me it's been taken
24 care of to a point of making sure that someone is safe but
25 there's still some things still standing yet.

26 VICE CHAIR LINGENFELTER: Anything else the Board
27 would like to discuss? With that, I'll adjourn the meeting.
28 Thank you, everybody.

29 (Whereupon, the meeting was adjourned at 8:27 p.m.)

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STATE OF OHIO)
COUNTY OF CUYAHOGA)

CERTIFICATE

I, Melinda A. Melton, Registered Professional Reporter, a notary public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that, to the best of my ability, the foregoing proceeding extension reduced by me to stenotype shorthand, subsequently transcribed into typewritten manuscript; and that the foregoing is a true and accurate transcript of said proceedings so taken as aforesaid.

I do further certify that this proceeding took place at the time and place as specified in the foregoing caption and extension completed without adjournment.

I do further certify that I am not a friend, right-of-way, or counsel for any party or otherwise interested in the outcome of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 16th day of November 2020.

Melinda A. Melton

Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

