

CONCORD TOWNSHIP ZONING COMMISSION  
LAKE COUNTY, OHIO  
REGULAR MEETING

Meeting held via Webex Teleconference  
and YouTube Live Streaming

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

June 1, 2021  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andy Lingenfelter, Chairman  
Frank Schindler, Member  
Hiram Reppert, Member  
Ashley Garcar, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Marty Pitkin, Assistant Zoning Inspector  
Michael Lucas, Esq., Legal Counsel

**Melton Reporting**  
11668 Girdled Road  
Concord, Ohio 44077  
(440) 946-1350

1 7:00 p.m.

2 CHAIRMAN LINGENFELTER: Good evening. I would like  
3 to call this Concord Township Zoning Commission hearing,  
4 meeting to order today, Tuesday, June 1st, 7:00. First of  
5 all, I would like to say it's really nice to see a lot of  
6 people in the audience today. Nice to see everybody back.  
7 It's nice. We're used to talking to an empty room for the  
8 last year.

9 So we have a very full agenda this evening and we  
10 need to get to business here. First, I would like to start  
11 under the Old Business.

12 Mr. Lucas, do you have some information for us under  
13 Old Business?

14 MR. LUCAS: Yes, I do, Mr. Chairman. Thank you.

15 This matter has been recessed for some time  
16 regarding Zoning Amendment Application Number 0320-1 for  
17 Rylan, Inc. I have received communication by the legal  
18 counsel for Rylan, specifically Jordan Burns, who has  
19 requested that the request be withdrawn and, correspondingly,  
20 that it be permanently tabled.

21 CHAIRMAN LINGENFELTER: Okay.

22 MR. LUCAS: I also did a follow-up email to him  
23 confirming that I would advise the Zoning Commission tonight  
24 of the desire by his client, Rylan, Inc., to withdraw the  
25 Zoning Amendment Application and, correspondingly, if I was  
26 incorrect, he should contact me before the meeting. He has  
27 not contacted me, so we should proceed forward with the  
28 permanently tabling of this item.

29 CHAIRMAN LINGENFELTER: Okay. I will entertain a  
30 motion.

1 MR. REPPERT: Mr. Chairman, I so move that we remove  
2 the Application 0320-1 submitted by Rylan, Inc.

3 CHAIRMAN LINGENFELTER: I have a motion made.

4 MS. GARCAR: I will second.

5 CHAIRMAN LINGENFELTER: Seconded by Ashley. I think  
6 we can just do a voice roll. All in favor say aye. Opposed?

7 (Four aye votes, no nay votes.)

8 CHAIRMAN LINGENFELTER: None opposed. Let the  
9 record reflect it was all in favor with ayes, no opposed, no  
10 abstentions. That item is taken care of.

11 Under Old Business, we'd also like to do the  
12 approval of the minutes of the April 6th meeting. We were  
13 provided those in the most recent package. Hiram Reppert,  
14 Andy Lingenfelter, Richard Peterson, Frank Schindler, and Rich  
15 Iafelice were the members that were present. So I will  
16 entertain a motion for the April 6th meeting transcript.

17 MR. REPPERT: Again, Mr. Chairman, I move that we  
18 approve the minutes of April 6 meeting, 2021, for Concord  
19 Township Zoning Commission as written.

20 CHAIRMAN LINGENFELTER: Okay. Second?

21 MR. SCHINDLER: I second.

22 CHAIRMAN LINGENFELTER: Mr. Schindler seconds. All  
23 those in favor say aye. Opposed? Abstentions?

24 MS. GARCAR: I abstain.

25 (Three ayes, no nays, one abstention.)

26 CHAIRMAN LINGENFELTER: One abstention. So let the  
27 record reflect we have three ayes, one abstention. So that  
28 motion carries.

29 That takes care of Old Business.

30 Under New Business, we have a public hearing for

1 zoning amendments to the Concord Township Zoning Resolution as  
2 initiated by the Zoning Commission. I would like to formally  
3 open up that public hearing.

4 Under Amendment Number 1, we will deal with  
5 Section 5.02, Definitions, which modifies existing definitions  
6 for "microbrewery," "microdistillery," and changes to the  
7 existing term "urban winery" to "microwinery." Adds new  
8 definition to "brewery," "distillery," or "winery."

9 Since there is no applicant for this, we can discuss  
10 this on the board.

11 Heather, would you like to give us kind of an  
12 overall review of what we have in front of us this evening?

13 MS. FREEMAN: Yes, Mr. Chairman. The Township was  
14 initially approached by a commercial entity that was  
15 potentially looking at bringing an establishment that might  
16 fall under one of these definitions, so we started doing a  
17 review of our definitions, and specifically the capacity  
18 limitations that we had within our definitions, and took a  
19 look at what some other communities in northeast Ohio had and  
20 throughout the state.

21 So the changes that we're proposing for the  
22 definitions that you mentioned would increase the potential  
23 distilling capacity for microdistilleries. And then, also, we  
24 looked at adding some of these distilleries to the, to some of  
25 the other zoning districts within the township, specifically  
26 the RD-2.

27 And I think those kind of go along with Amendments 2  
28 and 3, so we kind of cleaned up some of the other conditions  
29 that were applicable to these conditional uses as well.

30 CHAIRMAN LINGENFELTER: Okay. Since this is a

1 public hearing, is there anybody here that would like to speak  
2 to the Amendment Number 1 on the Definitions?

3 (No response.)

4 Don't all rush up at once. Okay.

5 MS. FREEMAN: Mr. Chairman, there are a couple  
6 people on the phone. I'm not sure if you want to check to see  
7 if --

8 CHAIRMAN LINGENFELTER: Yes. If there are some  
9 phone participants, is there anybody that would like to weigh  
10 in on the Amendment Number 1 with regards to Definitions?

11 (No response.)

12 I am not hearing anything there either.

13 Counselor, would it be best that we address these  
14 and vote on each amendment as they are presented or should we  
15 go through all three and then --

16 MR. LUCAS: I would go through all three.

17 CHAIRMAN LINGENFELTER: Go through all three.

18 MR. LUCAS: And then you're going to have to have  
19 separate motions.

20 CHAIRMAN LINGENFELTER: Separate motions for each  
21 amendment?

22 MR. LUCAS: Right. You are also going to have to  
23 ask if anyone wants to speak against Amendment Number 1.

24 CHAIRMAN LINGENFELTER: Okay, all right. So we will  
25 move on to, since there is no discussion, is there any  
26 discussion on the board at this point on Amendment Number 1?

27 MR. REPPERT: I would like to mention that the  
28 Planning Commission looked at this and they came back and said  
29 everything is okay, except we should add a definition for the  
30 big ones, the big brewery, distillery and winery, which you

1 did, Heather, right? If I am not mistaken, you added that?

2 MS. FREEMAN: There was a definition proposed that  
3 cross-referenced the other definitions, stating that if it  
4 exceeded those maximum capacities that it would fall under  
5 that.

6 MR. REPERT: Okay. That's the only thing Planning  
7 Commission had.

8 CHAIRMAN LINGENFELTER: Okay, duly noted.  
9 Ashley, any comments?

10 MS. GARCAR: No.

11 CHAIRMAN LINGENFELTER: Frank, any comments on  
12 Amendment Number 1?

13 MR. SCHINDLER: No.

14 CHAIRMAN LINGENFELTER: Okay. We'll move on to  
15 Amendment Number 2.

16 MR. LUCAS: Mr. Chairman, did you ask if anyone  
17 wanted to speak against Amendment Number 1?

18 CHAIRMAN LINGENFELTER: I asked if anybody had any  
19 comments one way or the other.

20 MR. LUCAS: Oh, okay. All right. I think, just so  
21 we're on the same page, you should ask if anyone wants to  
22 speak for and segregate it if anyone wants to speak against  
23 them.

24 CHAIRMAN LINGENFELTER: All right. Thank you.

25 Okay. We will go back to Amendment Number 1. Is  
26 there anyone in the audience that would like to speak for  
27 Amendment Number 1?

28 (No response.)

29 No. Is there anybody in the audience who would like  
30 to speak against Amendment Number 1?

1 (No response.)

2 Anybody on the phone that would like to speak for  
3 Amendment Number 1?

4 (No response.)

5 Anybody participating on the phone that would like  
6 to speak against Amendment Number 1?

7 (No response.)

8 Okay. Let the record reflect that there were no, no  
9 one interested, no parties interested in speaking for or  
10 against from the public.

11 Okay. We will move on to Amendment Number 2, which  
12 is regarding Section 13.35, Microbrewery, Microdistillery, or  
13 Urban Winery, includes specific conditions for said uses and  
14 amends the conditions to include provisions requiring the uses  
15 to operate in accordance with Ohio Division of Liquor Control  
16 and the Bureau of Alcohol, Tobacco and Firearms requirements,  
17 to hold current licenses, to file and provide reports  
18 demonstrating annual production has not exceeded the limit if  
19 requested, to prohibit outdoor storage, and to prohibit  
20 emission of odorous materials or matter or smells that would  
21 produce a public nuisance or hazard.

22 Any conve -- Heather, would you like to kind of  
23 reflect, kind of, review that for us?

24 MS. FREEMAN: Yes. I think the description of what  
25 the amendment is about, pretty much, kind of covered it but  
26 just a little bit of cleanup items here as we were already  
27 tweaking the definitions, so we added some additional  
28 conditions specific to these uses.

29 CHAIRMAN LINGENFELTER: Okay. Any discussion  
30 amongst the board, Hiram?

1 MR. REPPERT: None here.

2 CHAIRMAN LINGENFELTER: Ashley?

3 MS. GARCAR: No.

4 CHAIRMAN LINGENFELTER: Frank?

5 MR. SCHINDLER: No.

6 CHAIRMAN LINGENFELTER: Nothing. Is there anybody  
7 in the audience who would like to speak for Amendment Number 2  
8 on Microbrewery, Microdistillery, or Urban Winery?

9 (No response.)

10 Is there anybody here that would like to speak  
11 against Amendment Number 2?

12 (No response.)

13 Are there any participants on the phone that would  
14 like to speak for Amendment Number 2?

15 (No response.)

16 Or against Amendment Number 2?

17 Okay. We will move on to Amendment Number 3,  
18 Section 22.03, Table of Uses, adds brewery, distillery, or  
19 winery as permitted uses in the RD-2, Research and Limited  
20 Industrial District.

21 Heather, would you like to review, anything you want  
22 to --

23 MS. FREEMAN: The thought behind that, Mr. Chairman,  
24 if you recall, is if we had a microbrewery or distillery and  
25 they became successful, we would want them to be able to grow  
26 within Concord. So by allowing that as more of a  
27 manufacturing type use without the restaurant or tasting room  
28 component, that they could be located down in our industrial  
29 park.

30 CHAIRMAN LINGENFELTER: Correct. Any discussion on



1 the board? Hiram?

2 MR. REPPERT: None here.

3 CHAIRMAN LINGENFELTER: Ashley?

4 MS. GARCAR: Nothing.

5 CHAIRMAN LINGENFELTER: Frank?

6 MR. SCHINDLER: None.

7 CHAIRMAN LINGENFELTER: Nothing.

8 Is there anyone in the audience that would like to  
9 speak for Amendment Number 3, Table of Uses?

10 (No response.)

11 Is there anyone in the audience who would like to  
12 speak against Amendment Number 3, Table of Uses?

13 (No response.)

14 Is there anybody on the phone that would like to  
15 speak for or against Amendment Number 3?

16 (No response.)

17 I am not hearing anything. I don't have any  
18 comments. Any other comments from the board at this point?

19 MR. REPPERT: None here.

20 MR. SCHINDLER: I would just like to make a comment.

21 I don't want the public to think we are just running through  
22 this. You have to understand. We have spent many weeks on  
23 this thing and it's all been incorporated with the changes and  
24 recommendations from various sources that we use. So the  
25 reason we don't hear comments from us tonight is because we've  
26 been through this whole thing. And we assume the public had a  
27 chance to look at this and see everything, so that's why we're  
28 asking the public to participate. Now, since we're not  
29 getting any comments, fine with us. But I just want you, I  
30 just want you people to know we are not rubber-stamping it.

1 Okay? Thank you.

2 CHAIRMAN LINGENFELTER: Okay. At this point, I  
3 would entertain a motion to close the public hearing on  
4 Amendments Number 1, 2, and 3.

5 MR. REPERT: Mr. Chairman, I make a motion that we  
6 close the public hearing on Amendment Number 1, 2, and 3, to  
7 the -- let's see -- Concord Township Zoning Resolution.

8 CHAIRMAN LINGENFELTER: Thank you.

9 MR. REPERT: I got that right.

10 CHAIRMAN LINGENFELTER: I have a motion.

11 MS. GARCAR: I will second.

12 CHAIRMAN LINGENFELTER: Seconded by Ashley. All  
13 those in favor say aye. Opposed?

14 (Four aye votes, no nay votes.)

15 CHAIRMAN LINGENFELTER: None opposed. Let the  
16 record reflect we had four ayes, no nays, no abstentions. So  
17 the public hearing on Amendments Number 1, 2, and 3 for the  
18 zoning text amendments is closed.

19 At this point, I would be willing to entertain any  
20 additional comments. If we don't have any, then I would look  
21 for a motion to approve. It must be a motion in the  
22 affirmative.

23 MR. REPERT: And we're doing each one as a separate  
24 motion?

25 CHAIRMAN LINGENFELTER: Yes, yes, each one is a  
26 separate motion, each one as a separate vote, and we will do a  
27 roll call vote for each amendment.

28 MR. REPERT: Mr. Chairman, I make a motion that we  
29 approve Amendment Number 1 with respect to Section 5.02,  
30 Definitions.

1 MS. GARCAR: I second.

2 CHAIRMAN LINGENFELTER: I have a motion made.

3 MS. GARCAR: I will second.

4 CHAIRMAN LINGENFELTER: Ashley seconded.

5 Okay. Heather, would you call the roll, please.

6 MS. FREEMAN: Yes. Mr. Reppert?

7 MR. REPERT: Yes.

8 MS. FREEMAN: Mr. Schindler?

9 MR. SCHINDLER: Yes.

10 MS. FREEMAN: Ms. Garcar?

11 MS. GARCAR: Yes.

12 MS. FREEMAN: And Mr. Lingenfelter?

13 CHAIRMAN LINGENFELTER: Yes.

14 That's four ayes, no nays. Motion carries.

15 Amendment Number 1 has been approved.

16 At this point now, I will entertain a motion for

17 Amendment Number 2.

18 MR. REPERT: Mr. Chairman, I make a motion that we

19 approve Amendment Number 2 concerning Section 13.35,

20 Microbrewery, Microdistillery, or Urban Winery.

21 CHAIRMAN LINGENFELTER: Okay. I have a motion made.

22 MS. GARCAR: I'll second.

23 CHAIRMAN LINGENFELTER: Ashley seconds.

24 Heather, roll.

25 MS. FREEMAN: Mr. Schindler?

26 MR. SCHINDLER: Yes.

27 MS. FREEMAN: Mr. Reppert?

28 MR. REPERT: Yes.

29 MS. FREEMAN: Ms. Garcar?

30 MS. GARCAR: Yes.

1 MS. FREEMAN: And Mr. Lingenfelter?

2 CHAIRMAN LINGENFELTER: Yes.

3 That's four ayes, no nays, no abstentions. Motion  
4 carries.

5 Moving on to Amendment Number 3, I will entertain a  
6 motion.

7 MR. REPERT: I will make it a trifecta.

8 CHAIRMAN LINGENFELTER: Good for you.

9 MR. REPERT: Mr. Chairman, I make a motion that we  
10 approve Amendment Number 3, Section 22.03, Table of Uses.

11 CHAIRMAN LINGENFELTER: I have a motion made.

12 MS. GARCAR: I'll second.

13 CHAIRMAN LINGENFELTER: Ashley seconds.

14 Heather, will you call the roll?

15 MS. FREEMAN: Mr. Schindler?

16 MR. SCHINDLER: Yes.

17 MS. FREEMAN: Ms. Garcar?

18 MS. GARCAR: Yes.

19 MS. FREEMAN: Mr. Reppert?

20 MR. REPERT: Yes.

21 MS. FREEMAN: And Mr. Lingenfelter?

22 CHAIRMAN LINGENFELTER: Yes.

23 That's four ayes, no nays, no abstentions. The  
24 motion carries.

25 So Amendments Number 1, Number 2, and Number 3 have  
26 been successfully included into the zoning text moving  
27 forward. Thank you for all the hard work on this, Heather.  
28 It's been a lot of work.

29 MR. REPERT: Yes.

30 CHAIRMAN LINGENFELTER: You put a lot of time on

1 this and it's nice to finally have it resolved.

2 MR. REPERT: A lot of research.

3 CHAIRMAN LINGENFELTER: Good work.

4 MS. FREEMAN: Mr. Chairman, just to clarify, we will  
5 forward your recommendation to the board of Trustees and  
6 they'll have their public hearing on the matter.

7 CHAIRMAN LINGENFELTER: Yes, correct. Thank you.

8 Okay. Now we're moving on to what I think everybody  
9 is here for.

10 MR. REPERT: I think so.

11 CHAIRMAN LINGENFELTER: The second item on the  
12 agenda is a Zoning Amendment Application Number 2021-1, by ALM  
13 Lake Properties LLC, requesting a Zoning Resolution map  
14 amendment and Preliminary Plan approval from the current  
15 zoning district of R-1, Residential to R-2, Residential  
16 Conservation Development for the following properties:  
17 10090 Hoose Road, current parcel number 10-A-026-C-00-055-0,  
18 owned by Shirley A. Loxterman; Hoose Road Rear, current parcel  
19 number 10-A-026-C-00-051-0, owned by Shirley A. Loxterman;  
20 10100 Hoose Road, current parcel number 10-A-026-C-00-062-0,  
21 owned by Shirley A. Loxterman; Morley Concord, current parcel  
22 number 08-A-026-0-00-075-0, owned by William H. Loxterman,  
23 Trustee; 7574 Morley Road, current parcel number  
24 08-A-026-0-00-003-0, owned by Jerry V. Patriarca; 7554 Morley  
25 Road, current parcel number 08-A-026-0-00-022-0, owned by  
26 Jerry V. and Constance M. Patriarca; and a portion of 0 Isley  
27 Square, Concord, current parcel number 08-A-026-0-00-056-0,  
28 owned by Humanitarian Consulting, Limited.

29 At this point, I would like to open the public  
30 hearing and I would like to have the applicant come forward,

1 please. As you know, we have a public hearing requested by  
2 you.

3 MR. SMUL: Yes.

4 CHAIRMAN LINGENFELTER: And scheduled today. We are  
5 at a deficit from a current Zoning, full Zoning Commission.  
6 We have four members present, two are absent. One of the  
7 absents is being fulfilled by our --

8 MS. GARCAR: Alternate.

9 CHAIRMAN LINGENFELTER: Alternate, thank you. And  
10 so that leaves us one Zoning Commission member shy.

11 MR. SMUL: Mr. Iafelice.

12 CHAIRMAN LINGENFELTER: Mr. Iafelice. And  
13 Mr. Iafelice did give us some comments with regards to the  
14 zoning amendment that's in front of us this evening in the  
15 public hearing. However, because he is not present, his  
16 comments can only be entered into the record, they cannot be  
17 used as any voting mechanism for this, for the proposal that's  
18 in front of us this evening.

19 MR. SMUL: Okay.

20 CHAIRMAN LINGENFELTER: Because we are shorthanded,  
21 it is your option. You can request to recess this evening's  
22 public hearing until our next regularly scheduled meeting  
23 which would allow you to be in front of a full Zoning  
24 Commission at that time. If you choose to move forward this  
25 evening, we will go with the four members that are present and  
26 you will need three affirmative votes out of the four in order  
27 for your proposal to pass. So I just want you to be aware of  
28 what the circumstances are if we move forward this evening.

29 MR. SMUL: Okay.

30 CHAIRMAN LINGENFELTER: If you want to recess, you

1 can do that at your request. This is your meeting. This is  
2 your ability to do so. So you can either move, you can  
3 approve to move forward this evening, which we will go through  
4 the normal public hearing. We will have comments from the  
5 public. We will have our hearing. We will have our vote and  
6 you will need three out of four ayes in order to be able to  
7 have your amendment or your proposal pass. So it's up to you.  
8 What would you like to do?

9 MR. SMUL: Since this is just brought upon me right  
10 now --

11 CHAIRMAN LINGENFELTER: I know.

12 MR. SMUL: I would like to actually confer with some  
13 people.

14 CHAIRMAN LINGENFELTER: And that's, you are more  
15 than welcome to do that. You can go ahead and confer. And  
16 then if you want to move forward, then what I would ask you to  
17 do is come back in front of us and I'll ask you to put your  
18 proposal out in front of us. Okay?

19 MR. SMUL: Okay.

20 CHAIRMAN LINGENFELTER: So take whatever time you  
21 need and let us know what you want to do.

22 MR. SMUL: Okay.

23 CHAIRMAN LINGENFELTER: I mean, are you clear on  
24 what's going --

25 MR. SMUL: So we need three of the four basically  
26 rather than three of five.

27 CHAIRMAN LINGENFELTER: You're going to need three  
28 of the four this evening or you can recess until you have a  
29 full Zoning Commission in front of you, at which point you  
30 would need three out of five.

1 MR. RIEBE: Let's say, for instance -- We just have  
2 a question. If you were to vote negatively, say that  
3 occurred. Would it still then go to the Trustees?

4 CHAIRMAN LINGENFELTER: Yes.

5 MR. RIEBE: Okay.

6 CHAIRMAN LINGENFELTER: Yeah. Regardless of what  
7 happens here this evening, it's still going to go to the  
8 Trustees for a public hearing when we're done, correct, yep.

9 MR. REPERT: Are we doing anything with 13.33,  
10 outside dining, tonight?

11 THE REPORTER: Are off the record now?

12 CHAIRMAN LINGENFELTER: No, we're still on the  
13 record.

14 MR. REPERT: Are we doing Section 13.33,  
15 Amendment 1, outside dining?

16 MS. FREEMAN: That wasn't scheduled for a hearing  
17 yet.

18 CHAIRMAN LINGENFELTER: That was not scheduled for a  
19 hearing.

20 MS. FREEMAN: We haven't scheduled that.

21 CHAIRMAN LINGENFELTER: Right.

22 MS. FREEMAN: Yes.

23 MR. REPERT: So we're all set to go for next month?

24 MS. FREEMAN: If you guys choose to set that  
25 tonight.

26 CHAIRMAN LINGENFELTER: Yeah, we have a work session  
27 to continue.

28 MS. FREEMAN: Yeah.

29 CHAIRMAN LINGENFELTER: If I could have a moment,  
30 please, what I would like to do is I would like to address the



1 audience that's here this evening. I understand why you're  
2 here and we certainly appreciate you coming and we will give  
3 everybody the opportunity to come up and voice their opinions  
4 on the hearing that's in front of us this evening.

5 I would like to set a couple of ground rules for  
6 this evenings hearing. I would like -- This is a public  
7 hearing. I would like everybody to conduct themselves in an  
8 adult-like fashion. I don't want any cheering, any clapping,  
9 any foot stomping, you know, any rooting on of what's being  
10 said.

11 If somebody comes up and says what you were going to  
12 say, then you're more than welcome to come up and say, you  
13 know, "My comments reflect, you know, the person that just  
14 spoke in front of me." That happens. You have kind of a  
15 speech that you're ready to make and somebody else comes up  
16 and steals your thunder. That's kind of the way it works.  
17 And if that happens, you don't have to repeat everything but  
18 you're more than welcome to say whatever you like.

19 All I do ask is that we keep everything, you direct  
20 all of your comments to the Zoning Commission. We don't  
21 direct any comments to the applicant or any of the people in  
22 the audience. Make sure you're reflecting all of your  
23 comments towards the Zoning Commission and just please keep a  
24 level of decorum that's expected in a public hearing and I  
25 think everything will go on just fine. So we appreciate your  
26 cooperation on that.

27 Okay.

28 MR. SMUL: Can I come up now?

29 CHAIRMAN LINGENFELTER: Sure. What would you like  
30 to do?

1 MR. SMUL: Yeah, we'll proceed.

2 THE COURT: Okay. You are going to proceed?

3 MR. SMUL: Yeah.

4 CHAIRMAN LINGENFELTER: Okay.

5 MR. SMUL: Everyone is here. We might as well  
6 proceed.

7 CHAIRMAN LINGENFELTER: Okay. That's your choice.  
8 I just want to make sure you understand it's your ability to  
9 do what you'd like to do here. You're the applicant. You  
10 have the opportunity to make that decision.

11 MR. SMUL: Thank you. Appreciate that.

12 CHAIRMAN LINGENFELTER: Yes.

13 So what I would like to do is I would like to  
14 formally open the public hearing. And you are the applicant,  
15 so I would like you to speak your name and address for the  
16 record and then please give us your presentation.

17 MR. SMUL: Okay. Jeffrey Smul, 7992 Stillwater  
18 Court, Concord Township, Ohio.

19 CHAIRMAN LINGENFELTER: Okay.

20 MR. SMUL: Okay. So I would like to thank the  
21 Commission chair and the members that could make the meeting  
22 and I'd like to thank you for considering our application and  
23 our time -- and your time.

24 Okay. So we are requesting a zoning change from  
25 R-1, Residential to R-2, RCD as recommended by the township's  
26 2004 Comprehensive Plan and allowed by Concord Township Zoning  
27 Code. Based on our preliminary application meeting in  
28 February with the Zoning Commission and the board of Trustees,  
29 we took the comments and questions and made several  
30 adjustments to our plans.

1           In formulating our 55-lot yield plan, we followed  
2 RCD Code 16.24(A) and 16.28, which is to create a conceptual  
3 plan not involving significant engineering costs which  
4 demonstrates proposed street layouts with a reasonable and  
5 marketable number of lots that could be developed under the  
6 existing zoning district. Under the current R-1 zoning, there  
7 would be 0 percent open space requirement and most, if not  
8 all, the trees on the property could be cut down. A lot of  
9 the sensitive conservative spaces would not be protected,  
10 which none of us would like to see.

11           Under the RCD Code 16.24(B), a density bonus is  
12 allowed based on the percentage of open space. We are  
13 proposing 30 percent open space, thus would be allowed a  
14 density increase of four lots. We believe the 55 lot RCD  
15 plan, which will be an active adult community, preserves 30  
16 percent of the open space and is the best development plan for  
17 this site and community. The open space protects some of the  
18 most sensitive areas on the site and provides buffers for the  
19 adjacent neighbors.

20           Per Lake County Planning Commission letter, dated  
21 May 26, 2021, they recommend rezoning the property to the  
22 R2, RCD district. The letter stated, "It is believed the  
23 property in question would be better developed as an RCD  
24 rather than conventional R-1 zoning district in order to  
25 preserve open space and sensitive areas following the  
26 township's Comprehensive Plan from 2004."

27           Our RCD plan, per Lake County Planning Commission,  
28 conforms to the subdivision regulations. There are a few  
29 items that need to be addressed but we will address all items  
30 to comply with the subdivision regulations.

1           The traffic from this RCD development would generate  
2 approximately 50 percent less traffic due to lower population  
3 density than the current zoning and even less percentage of  
4 traffic during peak hours due to different time travel  
5 patterns of residents. The residents from this development  
6 will enter and exit using the new intersection of the  
7 Canterwood Trail and Hoose Road due to the proximity of their  
8 homes to this new intersection onto Hoose.

9           We will also have a walking, natural walking trail  
10 from sublots 57 through 59 to Canterwood Trail to make sure  
11 they are part of the community.

12           In order to -- In order for there to be a smooth  
13 transition in housing on Canterwood Trail from Hobby Horse,  
14 sublots 23 through 25, we made wider lots to accommodate  
15 bigger houses with deeper setbacks. The homes on these lots  
16 will be, will be of the traditional, single-family variety.

17           All common open space will be privately held and  
18 maintained by the HOA.

19           A couple of the other items: For the cemetery, the  
20 Trustees need to pass a resolution for removal of the  
21 cemetery. Maybe Mr. Mike Lucas can shed some light on this,  
22 on the progress of that status.

23           MR. LUCAS: Yeah, I can. The Township, under the  
24 discretion, is determined they do not want to be involved in  
25 the removal of the cemetery interment and that. So it's going  
26 to have to be a private matter in accordance with Ohio law.  
27 But at this point in time, the board of Trustees is not going  
28 to authorize the resolution necessary, at their discretion  
29 under the statute, to remove the disinterred bodies and that.  
30 So --

1 MR. SMUL: In regards to the street lighting, we  
2 would look to have minimal street lighting since it will be  
3 necessary for the residents of the community so they can walk  
4 safely to the clubhouse.

5 I would like to introduce my traffic trip analysis  
6 versus showing the single-family traffic patterns versus  
7 active adult community.

8 I would also like to present a letter from our soils  
9 engineer showing the steps that we'd have to take to make the  
10 areas that are near the pond areas buildable lots.

11 And then, also, I'd like to present a petition that  
12 we started, like, last week. We got 73 signed petitions in  
13 favor of our development and the rezone. Some of them  
14 couldn't make it, so we just said, hey, a lot of people called  
15 and said, "We like the lots. We like your plan. We are  
16 interested," and they just couldn't make the meeting. So we  
17 said, "Hey, maybe just sign a petition showing your support  
18 for our community."

19 So I'd like to present all of those. Do you want me  
20 to --

21 CHAIRMAN LINGENFELTER: Sure.

22 MR. SCHINDLER: Thank you.

23 MS. GARCAR: Thank you.

24 MR. SMUL: Sorry about that.

25 CHAIRMAN LINGENFELTER: That's okay.

26 MR. REPPERT: Thank you.

27 MS. FREEMAN: Do you have an extra?

28 MR. SMUL: Yeah.

29 MS. FREEMAN: Or is that your only?

30 MR. SMUL: I might need it back.

1 MS. FREEMAN: I can get one from --

2 MR. SMUL: I might have an extra.

3 MS. FREEMAN: Oh, okay, so I can have it for the  
4 record.

5 MR. SMUL: So, at this time, I would like to bring  
6 up our wetlands consultant, Erik Flickinger, to talk about the  
7 wetlands and answer any questions on that arena, in that area.

8 And then, after that, our engineer, Brian  
9 Uhlenbrock, from Neff & Associates, I would like to bring him  
10 up here to talk about the engineering for the plans and any  
11 questions that you have on the engineering aspects of either  
12 plan.

13 CHAIRMAN LINGENFELTER: Okay. Thank you.

14 MR. SMUL: And then I can come back and answer any  
15 questions.

16 CHAIRMAN LINGENFELTER: Yes. And then once public  
17 comment has been made, you will have an opportunity to  
18 respond. Okay?

19 MR. SMUL: Okay, great. Thank you.

20 CHAIRMAN LINGENFELTER: Yes, thank you.

21 THE REPORTER: Andy, could you ask whoever is on the  
22 phone --

23 CHAIRMAN LINGENFELTER: Pardon me?

24 THE REPORTER: Could you aske whoever is on the  
25 phone to mute themselves?

26 CHAIRMAN LINGENFELTER: Oh, okay. Yes, could we  
27 have the person or people that are on the phone, could we  
28 please ask you to mute your computer or your audio component.  
29 We are getting some feedback. We're getting a lot of noise  
30 coming out of the phone. So if you could be so kind to just

1 mute yourself until it's time to speak, that would be  
2 appreciated. Thank you.

3 MR. FLICKINGER: Hi.

4 CHAIRMAN LINGENFELTER: State your name and address  
5 for the record, please.

6 MR. FLICKINGER: My name is Erik A. Flickinger. My  
7 address is 2063 Williamston Court, that's Akron, Ohio 44313.

8 CHAIRMAN LINGENFELTER: Thank you.

9 MR. FLICKINGER: Now, I would like to go on the  
10 record real quick by saying I appreciate that this says  
11 "gentlemen" and "ladies." That is a very kind presumption for  
12 the doors on your bathrooms here, you know. I just wanted to  
13 let everybody know that. You don't get that kind of  
14 assumption anymore.

15 I am the wetlands consultant. I have mapped out all  
16 the areas that are wetlands on the property. I have submitted  
17 to the Corps of Engineers. We have received what's called a  
18 PJD, which is a preliminary jurisdictional determination.  
19 This allows them to take -- I am sorry. Oh, that was an  
20 approved JD because some of the wetlands are isolated. So I  
21 have it here.

22 I mean, as far as permitting is concerned, we just  
23 have to go through Ohio EPA for any wetlands we need to  
24 disturb. The critical thing will be mitigation. I would like  
25 to recommend maybe the portion of the property along Morley  
26 Road be set aside, maybe put a conservation easement on it.  
27 You know, that's preliminary. But I'd like to see some  
28 preservation of the remaining wetlands on the site. And they  
29 will continue to be fed because water tends to flow from the  
30 east to the west on this property, and the placement of the

1 development won't be interrupting that flow. So we would be  
2 all right with minor impacts to the periphery of some of those  
3 areas.

4 If anybody has any questions, I am here.

5 CHAIRMAN LINGENFELTER: Okay. Any questions from  
6 the board. Hiram?

7 MR. REPPERT: Yes.

8 CHAIRMAN LINGENFELTER: Okay.

9 MR. REPPERT: Number one, I question how you can say  
10 in your project summary here that you are not infringing  
11 woods, wetlands, streams, riparian corridors, and natural  
12 draining area. We have two natural ponds there. And if I am  
13 looking at the overall preliminary plan, I see here that  
14 building lots 7, 8, 9, and 10 are going to be on fill.

15 MR. FLICKINGER: Well, that would be an answer for  
16 an engineer. I am not an engineer.

17 MR. REPPERT: Okay.

18 MR. FLICKINGER: But I would assure you I worked for  
19 one through college, Messmore Timberman down in Akron, and I  
20 know that you have to engineer those fills. But once they're  
21 properly engineered and done correctly, they should be fine.

22 MR. REPPERT: Do you have any requirement to tell  
23 the builder or the owner of that lot that he is being built on  
24 a filled in pond?

25 MR. FLICKINGER: I should think that should be.

26 MR. REPPERT: I would hope so. And there --

27 MR. FLICKINGER: That's not up -- That is not my  
28 decision to make. I am not marketing the property. I am not  
29 selling the property. I was hired to map out the wetlands,  
30 secure whatever we needed from the Corps of Engineers, which I



1 have done.

2 MR. REPERT: Okay. And then also -- What did I see  
3 here? The stormwater management in the northeast corner of  
4 the lot, I think it's too small for the number of houses that  
5 it serves.

6 MR. FLICKINGER: Has it been engineered, calculated  
7 and, you know, the volume calculated and the outflow  
8 calculated?

9 MR. REPERT: No.

10 MR. FLICKINGER: Whether or not you think it's too  
11 small, the fact of the matter would remain that it would be  
12 sized correctly if it was engineered correctly.

13 MR. REPERT: It sure looks pretty small to me.

14 MR. UHLENBROCK: I can answer some of those  
15 questions.

16 CHAIRMAN LINGENFELTER: Okay. You will get your  
17 turn. Okay? I appreciate your comments but we want to do one  
18 at a time and make sure we cover everybody and make sure that  
19 the transcriptionist can get everybody's comments for the  
20 record. Thank you. But you will have an opportunity to  
21 respond to that.

22 MR. REPERT: Now, do you have anything to do with  
23 the soil map?

24 MR. FLICKINGER: The soil survey?

25 MR. REPERT: Yeah, by Century Construction LLC.

26 MR. FLICKINGER: Well, let me see. I don't know  
27 what specifically you're referring to. May I see it, an  
28 exhibit, please? If it's the soils map that was in our  
29 wetlands delineation report or the soils map prepared by USDA  
30 or NRCS, then, you know, I am familiar with that. I am not

1 familiar with any other soils map which may have been done.

2 MR. REPERT: Well, the soils map that's in your  
3 package.

4 MR. FLICKINGER: Okay.

5 MR. REPERT: Okay? it appears to me that it's  
6 incorrect. It does not include the second pond. So --

7 MR. FLICKINGER: That's irrelevant.

8 MR. REPERT: No, it's not. It's a major issue.

9 MR. FLICKINGER: No. It's an exhibit in a wetlands  
10 delineation report showing the soils that are on the site and  
11 you can see the soils, whether they're immediately on the  
12 marked lots or not. If there was an error in laying out that  
13 little line, I apologize for that, but everything is on that  
14 map. I didn't prepare that. That map was prepared.

15 MR. REPERT: No, I realize that. I realize that.

16 MR. FLICKINGER: So you're picking at a  
17 typographical error.

18 MR. REPERT: Well, to me, that's a rather  
19 significant one when you're looking at the soils that are  
20 affected here on this area and they did not include one of the  
21 major contributors.

22 MR. FLICKINGER: Is that area still shown on that  
23 map?

24 MR. REPERT: Oh, it's shown but it's --

25 MR. FLICKINGER: Okay.

26 MR. REPERT: -- outside the red line.

27 MR. FLICKINGER: Well, you know what? I think maybe  
28 the red line was moved offer the fact, after we did that  
29 report, you know.

30 MR. REPERT: Well, then we ought to revise the

1 report.

2 MR. FLICKINGER: Well, if you'd like, give me your  
3 email address, I'll revise it and I'll send it to you.

4 MR. REPERT: You'll send it to --

5 MR. FLICKINGER: I'd be happy to, with the special  
6 little message for you.

7 MR. REPERT: I have some other comments with  
8 respect to, in the pond, in the pond, lot number 20. No,  
9 wait. Which lot? Slope and wetland. I don't know if we're  
10 talking lot number 20. Where did it go?

11 CHAIRMAN LINGENFELTER: It's the yellow one. You  
12 got it.

13 MR. REPERT: Yeah. Lot number 20 is, I don't know  
14 if it's buildable or not because it's on a rather steep slope  
15 and it's in the wetland and --

16 MR. FLICKINGER: Again, I would imagine there would  
17 be an engineered fill at that location.

18 MR. REPERT: Okay. That's, I think, that's all I  
19 have for you.

20 MR. FLICKINGER: Anybody else?

21 CHAIRMAN LINGENFELTER: Any questions, Ashley?

22 MS. GARCAR: No.

23 CHAIRMAN LINGENFELTER: Frank?

24 MR. SCHINDLER: Not yet.

25 CHAIRMAN LINGENFELTER: Not yet, okay.

26 All right. I think we're good. Thank you very  
27 much.

28 MR. FLICKINGER: Thank you very much.

29 CHAIRMAN LINGENFELTER: Appreciate your  
30 presentation.

1           Okay. Who was next to speak on the applicant's  
2 behalf? Yeah. Please state your name and address for the  
3 record, please.

4           MR. UHLENBROCK: Hi. I'm Brian Uhlenbrock. I'm  
5 with Neff & Associates, 6405 York Road in Parma Heights. And  
6 my role in this project, I am the planner. Neff & Associates  
7 is an engineering firm, civil engineering firm. So we do the,  
8 we'll end up doing the full civil engineering plans after the  
9 preliminary process. I'm usually involved in the beginning of  
10 the project, laying the lots out, working with our engineers  
11 to do the engineering, preliminary engineering for it, making  
12 sure that the project works. And then once we get approval,  
13 then we move it into the engineering phases.

14           So one of the things that we did receive are some  
15 comments from the township Zoning and then there is also some  
16 from the county as well. Reading through all those comments,  
17 kind of went through them. We have addressed them  
18 preliminarily. We will formally address them later after the  
19 meeting.

20           There is a lot of comments on here that are just  
21 kind of more just text type stuff, so I don't want to bore you  
22 with all the details on that. There's a few of them that I  
23 kind of want to run through, just kind of give an idea of what  
24 they're asking for and how we plan on addressing them.

25           And are you able to get the plan up on the monitor  
26 up here? Oh, there we go. Excellent.

27           So what you see on the screen is the RCD plan that  
28 is being proposed. So the green areas are the open space  
29 areas. The different colored boxes are different size units  
30 on the plan. There is, Hoose Road is on the north side,

1 Morley Road is on the east side, kind of get your bearings.

2 So one of the comments on there was in reference to  
3 Wetland D. Wetland D is on the very kind of south. Let's see  
4 if I can point. I can point on here, nice. So Wetland D is  
5 on the south end here. It kind of talked about potential  
6 encroachments into the setbacks. One of the things I want to  
7 point out on the site is there is 2.21 acres of wetlands on  
8 the site. We are currently proposing to disturb .18 acres,  
9 which that would be preservation of 90 percent of the wetlands  
10 on site, which is the purpose of the RCD code. And so we're  
11 putting this in open space, planning on preserving them, you  
12 know, for perpetuality.

13 So there is a -- The lot that was in question was in  
14 this area. And one of the things that we've been considering  
15 going on for this lot is adding just a little bit, a little  
16 sliver of wetland disturbance on just this one lot.

17 One of the things I don't like to do early is ask  
18 for a lot of wetland disturbance up front and then, like for  
19 the preliminary stage, and then turn around and find out that  
20 we actually really don't need it because what ends up  
21 happening in the long run is they end up getting disturbed  
22 anyway because they're already permitted. So I try and be  
23 conservative on that approach. If we end up going to final  
24 engineering on this and find out that we need a little bit  
25 more grading, then we would update our permit to ask for that  
26 little bit of disturbance on that wetland.

27 So then what you see here on the next slide, one of  
28 the comments -- There's a lot of comments that had, they were  
29 kind of more final engineering type comments. So they're  
30 asking for detailed grading for all the units and some other

1 kind of items like that. So what you see here is part of that  
2 package that we submitted and this is a preliminary grading  
3 plan that we do. It's kind of what we call our earth work  
4 grading, and that just kind of gives us an idea of the site  
5 balance. Are we going to be able to make the lots work? So  
6 it kind of lays out the roadways, grades the roadways. So  
7 that kind of, that's basically what this plan is showing.

8           When we get final approval, we get into the final  
9 engineering, we end up addressing those detailed comments that  
10 they're asking for for grading of all the individual lots.  
11 But what this plan shows is that we can make this work the way  
12 its currently proposed.

13           What's on the screen now is the yield plan. And as  
14 part of the code, in order to determine the yield for the RCD,  
15 we have to do a layout that determines what the -- how many  
16 units we could place on the site with the current zoning in  
17 place, and Jeff kind of touched on that a little bit. Zoning  
18 Code has some bonuses that come into play with the amount of  
19 open space that you are proposing.

20           So this is the yield plan. There's a couple of  
21 comments on the yield plan. One of them was, there is some  
22 number, like, dimensions on the plan that didn't match our  
23 overall legal description boundary. And so we kind of looked  
24 into that before the meeting just to make sure that we are  
25 good with everything, and we're talking about less than a foot  
26 on the dimensions. What we found is, when the CAD technician  
27 drew this up, they snapped to the wrong line and so it kind of  
28 made the dimensions just a little bit different. But with  
29 that said, that doesn't affect the built -- the areas, the  
30 widths for these lots, so they still meet the R-1 code.

1 Another one of the comments was the buildability of  
2 the lots along this stretch here, which is in the south,  
3 southeast corner. And so what we did to kind of show how  
4 those lots would be built if this site plan was constructed,  
5 so we see on the top left corner is an enlargement of that  
6 site plan. The yellow boxes are -- represent houses. The  
7 wetland is Wetland D, I think it is, is down in this corner  
8 here. The red area is what we're proposing for some wetland  
9 disturbance in order to get the grading in that we need. So  
10 it is a cross-section through that.

11 What we see in this cross-section is a -- this would  
12 be the proposed roadway. We'd slope up to a house. This is  
13 representing a house, two stories with a, what we call a  
14 walk-out basement, patio area, then we slope down 3 to 1,  
15 which is a reasonable slope to mow in. And we get back to  
16 grade right around the middle of where we're showing some  
17 wetland disturbance.

18 So that leaves us a little bit more space, a little  
19 bit of buffer room between where we're proposing that  
20 disturbance to occur. So this is not extreme. It's not  
21 totally out of the ordinary. We've had worse conditions than  
22 this. So it just kind of shows that that lot, those lots  
23 would be buildable and marketable.

24 Another one of the comments that was included in the  
25 township zoning review was for the proposed clubhouse. The  
26 pool is required to be 30 feet from property lines and  
27 adjacent buildings. And so what we want to do is just kind of  
28 prepare a slide kind of showing that that is the case. We  
29 have, this would be the clubhouse, proposed pool. This would  
30 be the proposed property line. We have 30 feet from the

1 eastern property line, 40 feet from the south property line.

2           And I do want to point out that this is a  
3 preliminary plan for the, for the clubhouse. It is  
4 conceptual. Everything would need to be reviewed during final  
5 engineering to make sure that all the zoning code applies, but  
6 this shows that we can make this work.

7           And so one of the discussions that usually come up  
8 in meetings like this is, where does the water drain? How are  
9 we addressing stormwater management? This plan is kind of  
10 hard to read. It's a little bit, probably, too technical than  
11 what I want it to be but what it's showing is the proposed  
12 development. What you see in red outlines are drainage areas.  
13 So there is a line here that's a drainage area for this  
14 wetland. So everything that, you know, rain that falls in  
15 this kind of drains down into this wetland.

16           There is a small drainage area here that ends up  
17 flowing into another drainage area. There is an existing pond  
18 that you're referring to which is located here, so that's the  
19 drainage area for this pond.

20           And then there is a drainage area that kind of goes  
21 through a culvert and across the culvert and kind of  
22 intersects another drainage area. There is another pond right  
23 here and that's the drainage area for that pond.

24           And all of this eventually ends up into the wetland  
25 in the west side of the site. There's a 24-inch culvert that  
26 goes underneath a berm and then there is a swale that goes  
27 through another pond and eventually ends up off site.

28           So as part of the design of the engineering for  
29 this, we will have to meet all county requirements for  
30 stormwater management. They will do a thorough review of



1 this. Our pre and post runoff cannot exceed. So what the  
2 runoff that's current today will not increase after, after the  
3 development.

4 There is a lot of talk about filling the ponds and,  
5 yes, there is proposal to fill these ponds. There has been  
6 some preliminary discussions with geotechnical engineers and I  
7 think that one of the letters was provided.

8 Did you provide that?

9 MR. SMUL: Yes.

10 MR. UHLENBROCK: Yeah, one of the letters was  
11 provided. And it basically kind of says like, in a case like  
12 this, this is how we address it. And in order to fill a pond  
13 like this, you've got to drain the pond, you've got to pull  
14 out all the bad material, proof-roll it, make sure the soil is  
15 good, and then you've got to fill and lifts to make sure that  
16 that soil is stable so it creates a good foundation for that  
17 building when it is built.

18 And it's in everybody's best interest to have the  
19 geotechnical engineer on site to observe the fills as they're  
20 being placed. And it's not uncommon to fill, you know, 20, 30  
21 feet on some projects. So filling this wetland or -- I am  
22 sorry -- this pond is not, is not an extreme condition, by any  
23 means, and -- but it's something that will definitely need to  
24 be paid attention to as the project is constructed.

25 What you see here in the northwest corner are two  
26 proposed detention basins. We have a couple of detention  
27 basins in the back here and in the back as kind of place  
28 holders. We don't know if we're going to need them yet until  
29 we get into final engineering but we wanted to make sure we  
30 included those in because, as part of the code, we can't

1 include stormwater management basins in our open space areas.  
2 And so we want to make sure that we are counting for that in  
3 case we need to do some small water quality basins in order to  
4 treat rear yards. Depending on the reviewer and the  
5 municipality that's reviewing the plans, they kind of treat  
6 rear yards a little bit differently. So we want to make sure  
7 that we are, we have everything accounted for as part of that.

8 I did mention the open space. One of the comments  
9 that I forgot to mention before is we -- Let me get back to  
10 the RCD plan here. There is a comment about the open spaces  
11 not meeting the 25 foot width requirement. So as part of the  
12 code, in order for it to be counted as open space, it's got to  
13 be at least 25 foot wide. And so the areas that they're  
14 talking about are, we have a small strip in here, a small  
15 strip around the back side here, and a small strip here, and  
16 those are the areas between what we're showing as the  
17 stormwater management basin and property lines or the right-  
18 of-way.

19 And in hindsight, we probably shouldn't have shown  
20 it that way. We probably should have just combined the, what  
21 would end up being a stormwater management easement and have  
22 that be adjacent to the back property lines and the right-of-  
23 way, eliminate that open space so we don't have that narrow  
24 strip of open space, and then just make the areas around it  
25 larger to compensate for those small strips that were, that  
26 we're currently counting as open space.

27 So we will make that update as part of the final  
28 design and still show our open space percentage. And  
29 preliminarily looking at it, I think we will still be able to  
30 make that percentage that we originally were proposing.

1                   CHAIRMAN LINGENFELTER: That would be my question.  
2 With the -- If your intention is to eliminate those narrow  
3 strips of open space in your calculation, would that have an  
4 adverse impact on the overall project from a percentage  
5 standpoint?

6                   MR. UHLENBROCK: Yes, and that's a great question.  
7 And it won't because what we're going to do is kind of  
8 reconfigure how we do it. So instead of the wetland being  
9 kind of offset from the, kind of pushed away from the -- I'm  
10 sorry. Did I say the wetland? The stormwater management  
11 basin. So instead of the stormwater management basin being  
12 offset from the right-of-way and from the property lines,  
13 we'll kind of tuck it up a little bit tighter to them and  
14 then, with that movement, we will pick up open space adjacent  
15 to it. So it's basically taking that open space and kind of  
16 moving it around.

17                   And one comment on that is, one of the things that  
18 I -- That is challenging with this type of code. It's a great  
19 code and it has a lot of potential but to pick out, what  
20 always scares me is to pick out that detention area, that  
21 stormwater management area in the preliminary design stage  
22 because there is a lot of engineering that needs to happen  
23 after the preliminary design stages to size the basins. But  
24 we've done some of that. We have done the preliminary  
25 calculations.

26                   But if you have to move like a basin line like a few  
27 feet here and there, it just, kind of, it's like a snowball  
28 effect. So what we've done is, kind of, we're being a little  
29 bit conservative on the size that we are showing just knowing  
30 that, you know, as we get into final engineering, that we, you

1 know, there are some tweaks that need to be made or that could  
2 potentially need to be made.

3 MR. REPERT: Could you go back to your drainage  
4 slide?

5 MR. UHLENBROCK: Sure.

6 MR. REPERT: The houses on the north side of  
7 Cambridge Court, where do they drain?

8 MR. UHLENBROCK: So the north side of Cambridge  
9 Court, is that -- Am I in the right area here?

10 MR. REPERT: Go into the cul-de-sac, to the right  
11 cul-de-sac.

12 MR. UHLENBROCK: Yes.

13 MR. REPERT: North side of the cul-de-sac.

14 MR. UHLENBROCK: On the north side, so these areas  
15 in here?

16 MR. REPERT: North, north.

17 CHAIRMAN LINGENFELTER: That would be south, so the  
18 north side would be on the other side.

19 MR. UHLENBROCK: So the --

20 MS. FREEMAN: Your lots 51 through 40.

21 CHAIRMAN LINGENFELTER: Yeah, it would be lots 51  
22 through 40.

23 MR. REPERT: Forty-one.

24 CHAIRMAN LINGENFELTER: Forty, forty'ish.

25 MR. UHLENBROCK: Let me get my numbers here. So,  
26 okay, so you are talking about the north side of our cul-de-  
27 sac.

28 MR. REPERT: Cambridge Court.

29 CHAIRMAN LINGENFELTER: Yes.

30 MR. UHLENBROCK: Yeah, got it. I apologize.

1           CHAIRMAN LINGENFELTER: That's okay.

2           MR. UHLENBROCK: I need to know my street names.  
3 All right. So you are talking about here?

4           MR. REPERT: Yes.

5           CHAIRMAN LINGENFELTER: Yes.

6           MR. UHLENBROCK: Yeah. So right now there is a  
7 small drainage area that comes along here and -- existing --  
8 and I think it, I am pretty sure this kind of drains up this  
9 way currently. You can see the red line. It runs along here.  
10 All of this goes that way.

11                   So what we're going to be doing when we put this,  
12 the houses in, we actually have to account for, like, our, all  
13 of our stormwater. So we've got to pick it up and put it  
14 through the basins. So we're actually going to pick up some  
15 of this draining area and put into our the storm sewers and  
16 send it to the basins down here.

17                   So what we have to do in order to do that is  
18 actually make the basin a little bit bigger because we've got  
19 to overcompensate since we're sending -- We can't, like I said  
20 earlier on, I can't release any more water, stormwater from  
21 here, so I've got to hold back even more. But because we're  
22 taking this little, small -- and it's only a little bit, so  
23 it's kind of minor in the whole grand scheme of things, but  
24 we're taking this little bit of stormwater, bring it through  
25 our stormwater system out onto the basin, and then it will  
26 eventually end up in here.

27           CHAIRMAN LINGENFELTER: What about the retention  
28 basin to the east of that component?

29           MR. UHLENBROCK: This one here?

30           CHAIRMAN LINGENFELTER: Yes.

1 MR. UHLENBROCK: So that's exactly why we put that  
2 one in there. As we get into the final engineering, if we  
3 feel that we need to pick up some stormwater, if we feel that  
4 any of these houses are affected at all, it gives us that  
5 opportunity to do so.

6 CHAIRMAN LINGENFELTER: Okay. But that's not, that,  
7 the purpose of that retention basin on the east, the far east,  
8 at the end of that cul-de-sac there, the one that you're  
9 circling now --

10 MR. UHLENBROCK: Yeah.

11 CHAIRMAN LINGENFELTER: That is, the intention of  
12 that is not to offload the drainage, the primary drainage from  
13 the other part, the other component from the north portion of  
14 the --

15 MR. UHLENBROCK: Correct.

16 CHAIRMAN LINGENFELTER: What is that? -- of  
17 Cambridge Court.

18 MR. UHLENBROCK: Correct, yes, it's not. So we're  
19 not going to -- I think what you are asking is, we're not  
20 going to be sending more water this way.

21 CHAIRMAN LINGENFELTER: So there is not a chance  
22 that that retention basin could increase in size?

23 MR. UHLENBROCK: Correct, correct, yes. So that  
24 basin is, most likely, if we do use it, it's going to be what  
25 we would call water quality. There's two components, there's  
26 the stormwater manage --

27 CHAIRMAN LINGENFELTER: Right.

28 MR. UHLENBROCK: Like the quantity and quality.  
29 That would be more of the quality component.

30 CHAIRMAN LINGENFELTER: From a quality, okay.

1 MR. UHLENBROCK: Yeah. And so that will be on our  
2 radar big time is what is happening to this water here and  
3 making sure that we're not affecting these neighbors as part  
4 of this design.

5 CHAIRMAN LINGENFELTER: Right.

6 MR. REPERT: So you are taking the drainage from  
7 those houses and going north?

8 MR. UHLENBROCK: No, no. We're taking the drainage  
9 from these houses and we're taking it west.

10 MR. REPERT: Taking it west.

11 MR. UHLENBROCK: Yeah. So some of the water  
12 actually goes that way today. We're probably going to be  
13 picking it up and sending it to the west into our stormwater  
14 management basins.

15 MR. REPERT: Wow, okay.

16 CHAIRMAN LINGENFELTER: Okay.

17 MR. REPERT: Yeah. It looks like a long way to go.

18 CHAIRMAN LINGENFELTER: Ashley, any comments?

19 MR. REPERT: You can't go north. You can't go  
20 north because you can't put the water in the other land.

21 CHAIRMAN LINGENFELTER: No, right, correct.

22 MR. UHLENBROCK: One of the things that kind of  
23 comes into play on that one is, when we're designing the  
24 stormwater management, if there is a good point source like  
25 where water is outletting in one location, it makes it a lot  
26 easier for stormwater management. You can manage it much  
27 better that way. So here is that 24 inch that goes -- I was  
28 talking about -- that goes underneath this berm on the far  
29 west side of this site. So it's much easier to design, much  
30 easier to manage that way because it is already a channel

1 that's created.

2           Where it becomes a really big challenge is when you  
3 have like a sheet flow going offsite and there is no, like,  
4 kind of point that you can't dump it into a stream, you can't  
5 dump it into storm sewers. So you are taking something that's  
6 sheet flowing and you're confining it into one spot and you're  
7 letting it out, and that's something we want to avoid as we're  
8 doing this. And that's, we've accounted that as part of this.  
9 We've accounted for that as part of this design.

10           CHAIRMAN LINGENFELTER: Okay.

11           Hiram, any other questions, comments?

12           MR. REPERT: Did you have anything to do with going  
13 from the yield plan to the preliminary plan?

14           MR. UHLENBROCK: The yield plan to the preliminary  
15 plan, so you are talking about the design of both?

16           MR. REPERT: Well, going from the -- Well, making  
17 the yield plan to begin with.

18           MR. UHLENBROCK: So the original yield plan, we  
19 inherited. So there was another planner that did the original  
20 yield plan and we kind of took it, we refined it, cleaned it  
21 up, and I think it's a much better plan. Not to float our  
22 boat but I think we improved it, the yield plan. I think it  
23 works much better. It's more functional if it was to actually  
24 to be built.

25           MR. REPERT: I think the one comment that I have  
26 with the yield plan is that some of the lots are not buildable  
27 and some of the lots, the foundation is in the pond. So my,  
28 instead of having 55 half acre lots, I am down to 48. So that  
29 means, with the additional four, you might have 52 lots.  
30 That's what we have to deal with right now. That's my



1 opinion.

2 MR. UHLENBROCK: Right, yeah.

3 MR. REPERT: Not yours.

4 MR. UHLENBROCK: No, I completely understand that.  
5 I mean, you can look at it from so many angles on whether a  
6 lot is buildable or not, so I can understand that comment.

7 MR. REPERT: So some of the foundations are in the  
8 pond or the ex-pond or whatever, and so on and so forth.

9 And then on the preliminary plan -- let me see -- 44  
10 through 49 are on the existing pond. Lots 7 through 10 are on  
11 the existing pond that's been refilled.

12 MR. UHLENBROCK: Right, correct, yes.

13 MR. REPERT: Thirty-eight, lot 38, is it buildable?  
14 The same thing with 13 and 14 due to grading, and I think  
15 you've covered that.

16 MR. UHLENBROCK: Yep.

17 MR. REPERT: And then since you're taking the  
18 stormwater from Cambridge Court to the west, my comment on the  
19 stormwater management, number 3, and in the northeast corner  
20 goes away.

21 MR. UHLENBROCK: Yes. Those are all good comments.

22 MR. REPERT: Okay. Comment duly noted.

23 CHAIRMAN LINGENFELTER: Anything else, Hiram?

24 MR. REPERT: No, at least not for this gentleman.

25 CHAIRMAN LINGENFELTER: Okay.

26 Ashley, any comments?

27 MS. GARCAR: Not yet.

28 CHAIRMAN LINGENFELTER: Not yet.

29 Frank, any comments, questions?

30 MR. SCHINDLER: Well, questions, basically. The

1 yield plan, I guess, eliminates all the ponds that are on that  
2 piece of property?

3 MR. UHLENBROCK: Yes.

4 MR. SCHINDLER: Do you know what the conservation  
5 development really means?

6 MR. UHLENBROCK: Yes, yes, I do, yep. So I  
7 understand that comment. And I just kind of go back to, we  
8 kind of put the priority on preserving the wetlands. That's  
9 what the EPA, Army Corps focuses on more than ponds. The  
10 ponds are, they're not necessarily a stormwater management,  
11 they're more of an aesthetic to the site. That's why they  
12 were created originally, aesthetic and recreation. So we are  
13 reconfiguring them. We are moving them and designing them  
14 more as stormwater management ponds.

15 But we put the conservation priority to the  
16 wetlands. And I was saying before, like, right now we're  
17 preserving 90 percent of the wetlands. That might, that  
18 number might adjust just a little bit but we definitely have  
19 that in mind as we're designing this.

20 MR. SCHINDLER: You have the wetlands, which you say  
21 you are working on now to preserve. But if you had to keep  
22 the ponds, how many units do you think you would be building?  
23 How many lots would you have to reduce?

24 MR. UHLENBROCK: Yeah, I, I couldn't even answer  
25 that right now without really taking a look. There is a lot  
26 of factors that come into play because it's, it's -- you've  
27 got to reconfigure the roadways. It's not easy, not an easy  
28 answer. It would be a lot.

29 MR. SCHINDLER: I am sure it would be a lot.

30 MR. UHLENBROCK: Yeah. I mean, that's hard to

1 answer.

2 MR. SCHINDLER: Were those ponds there naturally  
3 over the years of this planet or were they man-made many years  
4 ago by the owners who owned that property; do you know?

5 MR. UHLENBROCK: You are asking who created them?

6 MR. SCHINDLER: Yeah, whether Mother Nature, they  
7 were always there from day one of the existing of our planet  
8 or did the landowners who owned that property now put ponds in  
9 there for their, for their enjoyment.

10 MR. UHLENBROCK: Yeah, those are -- They have berms  
11 on them, like defined berms, so they look like they were  
12 man-made. They were created for the aesthetic.

13 MR. SCHINDLER: Okay. And they've been there  
14 probably for -- Do you have any idea how many years or  
15 decades?

16 MR. UHLENBROCK: No, but they've definitely been  
17 there for a while.

18 CHAIRMAN LINGENFELTER: Do you have a comment, sir,  
19 where you would --

20 MR. FLICKINGER: No, I was going to say --

21 CHAIRMAN LINGENFELTER: If you would like to, why  
22 don't you come on up to the microphone.

23 MR. FLICKINGER: I'm sorry. Yeah, I just want to  
24 clarify with the ponds.

25 CHAIRMAN LINGENFELTER: Yes.

26 MR. FLICKINGER: All right? Number one --

27 MS. FREEMAN: Can you state your name again?

28 MR. FLICKINGER: My name is Erik A. Flickinger,  
29 Akron, Ohio.

30 The ponds are man-made and they were too shallow to

1 support much in the way of fish, because I tried to fish one  
2 of them, didn't have any luck, didn't see any fish. So  
3 they're not very deep. They were probably used to place fill  
4 elsewhere on the site for a combination of aesthetics and then  
5 maybe to build up an area where a house was going to sit.  
6 They were placed there intentionally. They're man-made.  
7 There's even relic dam structures out there that -- where the  
8 wetlands were originally ponds, also, but the dams had failed  
9 and they have just become wetlands.

10 But I want to reiterate, ponds are not special  
11 aquatic sites and they are not regulated by the Corps of  
12 Engineers. Man-made, ornamental, agricultural, stock watering  
13 are all nonjurisdictional.

14 And wetlands are a much different matter. Those are  
15 considered, and I quote, special aquatic sites. So they even  
16 are afforded greater protection than streams. So I just  
17 wanted to go on record and let everybody know that. If you  
18 have any questions regarding any of the wetlands or the status  
19 of the ponds or anything about the geomorphology of the site,  
20 I'd be happy to answer any questions you have right now.

21 MR. SCHINDLER: Well, most people buy areas a lot of  
22 times that are desirable, you know, with nature, for example.  
23 A lot of people like to have a home maybe around a pond --

24 MR. FLICKINGER: You know what?

25 MR. SCHINDLER: -- whether you can fish on it or  
26 not.

27 MR. FLICKINGER: Sure. Well, I will tell you that I  
28 bought my house because it had a pond because of fishing and I  
29 like ponds. I will tell you that this pond is just deep  
30 enough to drown a child but not really deep enough to support

1 any wildlife.

2 MR. SCHINDLER: Does the pond, for example, does it  
3 have natural water that comes in and fills it and it goes out,  
4 so it stays?

5 MR. FLICKINGER: It gets, it gets, it gets drainage,  
6 ephemeral drainage from precipitation, yes.

7 MR. SCHINDLER: Okay.

8 MR. FLICKINGER: It's essentially functioning as a  
9 retention basin, a shallow retention basin. It's silted in.  
10 It has, I would, if I were to guess, I would say it's probably  
11 50 to 70 years old. It's hard to say. You know what? I  
12 could, I could find out but I don't think it's worth our time  
13 for me to do that.

14 MR. SCHINDLER: I'm not asking you to.

15 MR. FLICKINGER: Any other questions?

16 MR. SCHINDLER: No.

17 MR. FLICKINGER: Anybody?

18 CHAIRMAN LINGENFELTER: Thank you very much,  
19 appreciate the explanation.

20 MR. FLICKINGER: Thank you.

21 MR. UHLENBROCK: Thank you. Anything else for me?

22 MR. REPERT: Well, did you take care of the traffic  
23 study, also?

24 MR. UHLENBROCK: No, the traffic study was -- There  
25 is a study done by TMS; is that right?

26 MR. SMUL: Yes.

27 MR. UHLENBROCK: TMS did the, did the study for  
28 this.

29 MR. REPERT: How about the sight distance study?

30 MR. UHLENBROCK: Sight distance study, we took a

1 look at that. And if you -- I think we looked at Hoose Road  
2 and saw that everything complied from ODOT standards.

3 MR. REPERT: Okay. Well, I have some issues with  
4 that.

5 MR. UHLENBROCK: Sure.

6 MR. REPERT: The proposed drive entrance does not  
7 agree with the preliminary plan. You have lots 1, 2, and 3  
8 across from lots 54 and 55, 56, and that's not quite the case.  
9 The case is that 57, 58 and 59 are off to the side. It does  
10 not address the -- those three entrances onto Hoose Road in  
11 your traffic study or in your sight distance study.

12 MR. UHLENBROCK: Yeah.

13 MR. REPERT: So that's got to be revised.

14 MR. UHLENBROCK: Yeah. So my comment on that is the  
15 ODOT standards that are -- It's more for intersections, like  
16 major intersection. They don't study driveways. And I don't  
17 want to commit anybody to anything but one of the things that  
18 has been proposed in the past on previous projects when you  
19 have houses fronting more of a busier street, you put a T-type  
20 driveway in it so you can pull straight out as opposed to  
21 backing out onto Hoose Road. But normally, as a traffic  
22 study, the lots fronting the road would not be studied as part  
23 of that.

24 Is there something in particular you are looking for  
25 to find out?

26 MR. REPERT: When I look at your proposed drive  
27 entrance, it doesn't even come close to what is going on your  
28 preliminary plan and I think they ought to agree.

29 MR. UHLENBROCK: So you're talking about the -- Are  
30 you talking about the RCD plan?

1 MR. REPERT: I am talking about -- what's the  
2 number -- 1 of 6, right after the page on your sight distance  
3 study.

4 MR. UHLENBROCK: Okay. Oh, I think I may know what  
5 you are looking at, talking about. Okay, yeah, so 1 of --

6 MS. FREEMAN: (Handing.)

7 MR. UHLENBROCK: Thank you, thank you, appreciate  
8 that.

9 Okay. So 1 of 6 is our, would be the -- So you're  
10 saying that that entrance doesn't look like our current  
11 preliminary plan?

12 MR. REPERT: No.

13 MR. UHLENBROCK: Got it. I see what you are saying.  
14 Okay. So we can definitely update that. That's not a  
15 problem. I don't think it's going to really change anything.

16 MR. REPERT: Shouldn't that study also include the  
17 three lots up here, 57, 58, 59?

18 MR. UHLENBROCK: Yeah, we can put those on there.  
19 That wouldn't be a problem. Like I said, it's not going to  
20 affect what the sight distance study is saying based on the  
21 ODOT standards and requirements, but I kind of get your point.  
22 But are you, is it more of a concern of like those, the sight  
23 distance for the driveways of those houses or --

24 MR. REPERT: The sight distance to the three houses  
25 off to the right and also the traffic coming out of -- what is  
26 it -- Canter, Canterwood Trail.

27 MR. UHLENBROCK: Yeah. So we can definitely add  
28 those and update this exhibit. Again, I don't think it's  
29 really going to change anything from sight perspective but I  
30 can understand the concern.

1 MR. REPERT: It should agree.

2 MR. UHLENBROCK: Yep.

3 MR. REPERT: Okay. I am done. Thank you.

4 CHAIRMAN LINGENFELTER: Any other questions, Hiram?

5 MR. REPERT: No, sir.

6 CHAIRMAN LINGENFELTER: You sure?

7 MR. REPERT: Yeah.

8 CHAIRMAN LINGENFELTER: Ashley?

9 MS. GARCAR: Nothing.

10 CHAIRMAN LINGENFELTER: Frank, any other questions?

11 MR. SCHINDLER: I assume this development will have  
12 a homeowners association.

13 MR. UHLENBROCK: Yes.

14 MR. SCHINDLER: And you classify it as a senior  
15 development, a senior citizen development?

16 MR. SMUL: Adult active community.

17 MR. SCHINDLER: Adult active community.

18 MR. UHLENBROCK: Adult active community.

19 MR. SCHINDLER: What does that mean?

20 MR. SMUL: Fifty-five plus.

21 MR. SCHINDLER: Fifty-five plus, so that means  
22 anyone that comes and wants to live in that development will  
23 have to be 55 or older?

24 MR. SMUL: I can't hear him. Do you have --

25 MR. UHLENBROCK: Do you have to be 55 to buy a  
26 house?

27 MR. SMUL: No.

28 MR. SCHINDLER: No. So you can have, you can have  
29 young couples with children living in there, right?

30 MR. UHLENBROCK: I will let you answer those.



1           MR. SMUL: We will bring the expert up here and talk  
2 about it.

3           MR. PECK: Steve Peck, 500 Stonehenge Parkway,  
4 Dublin, Ohio.

5           So these are, so these ranches are all two bedroom,  
6 two bath on the first floor. The way the HOA docs are  
7 written, there is no basketball hoops allowed, there's no  
8 trampolines. There's really no room for them with the space  
9 that's left on the lots.

10          So in terms of the age restriction, the federal  
11 requirement is that 80 percent of the residents have at least  
12 one person that's 55 or older. That's managed through a  
13 census that's taken through the homeowners association and  
14 submitted to the federal government every two years.

15          MR. SCHINDLER: So you can have people that are  
16 living there that have young children and everything.

17          MR. PECK: You could, but they would have to be  
18 under 55 and within that 80 percent range. But our average  
19 buyer across -- We sell about 1,000 to 1,100 homes a year in  
20 about 23 states. Our average home buyer is about 60.

21          MR. SCHINDLER: But there is no guarantee that that  
22 will be the case.

23          MR. PECK: The guarantee is the age restriction in  
24 the HOA docs.

25          MR. SCHINDLER: Just the age restriction that one  
26 person --

27          MR. PECK: And the lifestyle which we're providing  
28 isn't friendly to kids, and the homes themselves.

29          MR. SCHINDLER: Well, nowadays, there's a lot of  
30 senior citizens that have their grandchildren living with them

1 because either one member of the family, unfortunately, maybe  
2 there might be a divorce in the family.

3 MR. PECK: Sure.

4 MR. SCHINDLER: So now they're taking in their child  
5 and their two grandchildren and everything there -- you know  
6 that I mean -- to live with them. So now you can see what it  
7 is with children living around, quote, supposedly a senior  
8 citizen development, young kids running all over the place.  
9 And kids are kids. You know what I mean? I don't have  
10 anything against children. Don't misunderstand me. But your  
11 focus on, I hear so much of this focusing on it's a senior  
12 citizen development but yet we all know, in the real world,  
13 that when situations come up, especially today, we all know  
14 that families are having a rough time of it, so they're taking  
15 care and supporting their kids.

16 MR. PECK: Sure.

17 MR. SCHINDLER: Who have kids and stuff. Then it  
18 just turns out to where the kids are there, living there all  
19 the time.

20 MR. PECK: Yeah. So I can provide you some data  
21 from some school districts that we have built a lot of homes  
22 in. We have tracked the number of kids that come from our  
23 communities, in particular, the Olentangy School District down  
24 in Delaware. We have done over 950 homes in the last -- In  
25 2019, we had 58 kids out of, in that entire school district,  
26 out of those 950 homes. I'm not saying it doesn't happen but  
27 it is rare. Again, the lifestyle. In the Hilliard School  
28 District, we had done over, I believe, 500 homes and they had  
29 eight kids in two thousand -- same year over the year.

30 So I am not saying it doesn't happen but the way the

1 houses live, the way the HOA docs are written, it is not  
2 friendly for kids.

3 MR. SCHINDLER: Oh, I can understand that. And we  
4 know that you are building them for the seniors.

5 MR. PECK: Sure.

6 MR. SCHINDLER: But circumstances do come up where,  
7 if they take in their grandchildren and they're finding  
8 they're living there all the time, then over time when they're  
9 going to school, you will have school buses going in there  
10 picking these kids up and taking them back and forth to  
11 school. You know what I am getting at.

12 MR. UHLENBROCK: Yeah. And if it was an R-1, how  
13 many of the school buses?

14 MR. SCHINDLER: Oh, I know that. R-1, we would  
15 expect that, you know. But I hate to hear the term all the  
16 time "senior citizen development." We know, based on what  
17 you've just said, there is a possibility that there could be  
18 children living there possibility all the time.

19 MR. PECK: There could be.

20 MR. SCHINDLER: Sure.

21 MR. LUCAS: Mr. Chairman.

22 MR. SCHINDLER: I stand -- That's my question.

23 MR. LUCAS: Is that true? Because looking at the  
24 HOA, on Article 4, it specifically says, under subparagraph B,  
25 "Persons under 21 years of age are not permitted. No dwelling  
26 on a lot may be occupied by any person under 21 years of age."

27 MR. PECK: That's a sample doc from another  
28 community in Columbus.

29 MR. LUCAS: Yeah. But this is the one that's kind  
30 of being put --

1 MR. SMUL: I submitted a new one. It's updated.

2 MR. LUCAS: Okay.

3 MR. PECK: So we have removed that one because --

4 MR. LUCAS: Okay.

5 MR. SMUL: Those aren't final documents.

6 MR. LUCAS: Yeah, I understand we're in preliminary  
7 plan formatting.

8 MR. SMUL: We're trying to finalize the documents  
9 and we submitted --

10 MR. LUCAS: Okay.

11 MR. REPPERT: What's the consequence if you don't  
12 meet that percentage?

13 MR. PECK: So the consequence is, throughout the  
14 sales process, if -- or the salesperson or the builder gets to  
15 a point to where they think they're getting close to that 80  
16 percent or the 20 percent requirement, then we would not sell  
17 a house to somebody 55 or under because we have to manage  
18 that. And it has to be submitted to the federal government  
19 every two years, I believe, by the HOA. And that could be in  
20 the -- That happens in the resale situation, too.

21 MR. REPPERT: Okay.

22 MR. PECK: Anything else for me?

23 CHAIRMAN LINGENFELTER: Thank you.

24 You done?

25 MR. UHLENBROCK: I am done.

26 CHAIRMAN LINGENFELTER: Any other comments? I don't  
27 think we have any other questions.

28 Hiram?

29 MR. REPPERT: I am done.

30 CHAIRMAN LINGENFELTER: Ashley?

1 MS. GARCAR: I am good.

2 CHAIRMAN LINGENFELTER: Frank, any other questions?

3 MR. SCHINDLER: No, I am done.

4 CHAIRMAN LINGENFELTER: Thank you very much.  
5 Appreciate it.

6 MR. UHLENBROCK: Yep, thank you.

7 CHAIRMAN LINGENFELTER: Mr. Smul, do you have any  
8 other people you had planned on speaking at this point?

9 MR. SMUL: No, I don't. I think everybody that we  
10 brought here to help answer any questions have spoken already.

11 CHAIRMAN LINGENFELTER: All right, good. Then I  
12 will consider your presentation at this point complete.

13 MR. SMUL: Okay, yeah.

14 CHAIRMAN LINGENFELTER: Then what I am going to do  
15 is I'm going to open it up to public comment and then, when  
16 the public is done, then you will have an opportunity, along  
17 with the people you brought, to respond to any comments or  
18 questions or concerns that have been brought up.

19 MR. SMUL: Okay, great, fantastic. Thank you.

20 CHAIRMAN LINGENFELTER: All right. Thank you.  
21 Yes, ma'am.

22 MS. KILFOYLE: Can I go?

23 CHAIRMAN LINGENFELTER: In a minute.

24 Okay. For expeditious purposes, what I would like  
25 to do is I would like to do a, basically, a group swearing in  
26 or an affirmation instead of taking the time to swear each  
27 person in as they come up to speak at the podium. What I will  
28 do is, if you are planning on coming up this evening and  
29 speaking, what I'd like you to do is raise your right hand and  
30 affirm or swear that you will tell the truth and nothing but

1 the truth with regards to this matter that's in front of us  
2 this evening. I will?

3 (Whereupon, the speakers were sworn en masse.)

4 CHAIRMAN LINGENFELTER: Okay. Thank you. I will  
5 consider you sworn in at this point.

6 What we will do is we will start with people that  
7 would like to speak in favor of the proposed zoning change  
8 amendment, and we will start on my left, your right. Row one,  
9 anybody in favor that would like to come up and speak?

10 (No response.)

11 Okay. Row two, anybody in row two that would like  
12 to come up and speak?

13 (No response.)

14 Row three, would like to come up and speak in favor?

15 AUDIENCE MEMBER: Not in favor.

16 CHAIRMAN LINGENFELTER: Okay, all right. We will  
17 get to you.

18 Anybody in row four?

19 (No response.)

20 Row five? Come on up, sir. Please, when you get to  
21 the podium, please state your name and address for the record.

22 MR. LOXTERMAN: Hi, I am William M. Loxterman,  
23 735 Ruddiman Drive, North Muskegon, Michigan.

24 CHAIRMAN LINGENFELTER: Okay.

25 MR. LOXTERMAN: Shirley A. Loxterman is my mother.  
26 She is currently in a nursing home under hospice care.

27 CHAIRMAN LINGENFELTER: Okay.

28 MR. LOXTERMAN: My father was William H. Loxterman,  
29 who passed in 2004. So I am the POA and trustee of the trust,  
30 et cetera. So I want to speak in favor of this. I've served

1 on city council up in Michigan, so I have a little bit of  
2 familiarity with voting on the recommendations from planning  
3 commissions and zoning commissions.

4 First of all, I want to say I've had the opportunity  
5 to view a very popular and successful development in Muskegon  
6 that is, the similarities are tremendous and it's just an  
7 amazing success for the city of Muskegon. And, you know, I  
8 recognize how hard it is for, particularly, people that live  
9 adjacent to deal with a significant change like this. And as  
10 a matter of fact, at first blush, you know, I thought, "Wow,  
11 this is awfully, awfully intense." And I've been coming back  
12 to this area a lot. You know, quite frankly, I see some areas  
13 where I think -- mostly apartments -- where I think it's an  
14 awful lot on a small area.

15 But when you see the -- When I saw this plan, I  
16 said, "Wow, this is terrific," because I could see the  
17 walkability of it, the lifestyle effect. As a senior citizen,  
18 this is something that I look at, you know, not having to take  
19 care of a yard and still having amenities available.

20 So I think it's a good project. I think it's a good  
21 use of the land. I think it will be very successful, very  
22 popular, or give people an opportunity, more people, to live  
23 in the great township of Concord where my parents have been  
24 for, my mother anyway, for 40 years or so. So that's my  
25 comment.

26 CHAIRMAN LINGENFELTER: Thank you.

27 MR. SCHINDLER: Thank you.

28 CHAIRMAN LINGENFELTER: Anybody else in row four  
29 that would like to speak in favor?

30 (No response.)

1           Row five would be the last row in this section here.  
2   Anybody want to speak in favor?

3           (No response.)

4           Okay. I will move to my right, your left. Row one,  
5   anybody that would like to speak in favor of the development  
6   proposal?

7           (No response.)

8           Row two, anybody in row two?

9           (No response.)

10          Row three, anybody in row three here to speak in  
11   favor.

12          (No response.)

13          Row four?

14          (No response.)

15          And the last row, anybody want to speak in favor?

16          (No response.)

17          Okay.

18          MR. REPPERT: The phone.

19          CHAIRMAN LINGENFELTER: Oh, I am sorry. Yes, on the  
20   phone, is there anybody on the phone, phone participants who  
21   would like to speak in favor of the proposed zoning change?

22          (No response.)

23          I will assume that means no.

24          Okay. Now what we will do is we will start again in  
25   the same process with those that are opposed to the current  
26   zoning amendment change. We would like to start with row one.

27          Ma'am, please state your name and address for the  
28   record, please.

29          MS. KILFOYLE: My name is Barbara Kilfoyle and I  
30   live at 10100 Meadowlake Court. So when you are looking at



1 the proposal, I kind of have the wedge home that's 180 degrees  
2 surrounded by the proposal. I've kind of been the lead-out  
3 person since I have seen the survey happen in my back yard.  
4 And, you know, I really want to thank the Zoning Commission  
5 because, when we all looked at the February 3rd preliminary,  
6 so many of your concerns that you voiced were our concerns and  
7 we really appreciate, we felt like you guys had our backs.

8 And so when the May 5th documents came out, what I  
9 did is I took the original from February 3rd, I lined it up  
10 with the minutes and I lined it up with what was submitted May  
11 5th and there wasn't much change.

12 So if you take a look at the minutes, Mr. Iafelice,  
13 he was critical of the yield plan, saying multiple times that  
14 he just doesn't feel -- "The yield plan is not fully developed  
15 enough. I don't think the 56 is a reasonable number." And  
16 here on your new yield plan, you went down to only 55. So,  
17 yeah, I agree with him both then and now that it's not  
18 reasonable.

19 And when you take a look at the requirements for the  
20 yield plan, it must be marketable and reasonable. And I know,  
21 since I was the last person to build a home there in 2014,  
22 that Wetland A and everything that comes down high -- Hobby  
23 Horse is set up high, Hoose is set up high, and everything  
24 comes down in the basin, into the Loxterman property.

25 Wetland A, which I know I sent pictures both to  
26 Heather and to Andrew, is something that I can see from my  
27 yard. And as I know that Mr. Schindler and probably  
28 Mr. Reppert haven't seen but, I mean, I can see it here. And  
29 I will give this to Heather and she can circulate around.  
30 That's the creek in the front of my yard. It runs through

1 their yard. And you can see the Wetland A is in the  
2 background. And for me when I built, that's what I had to put  
3 in my front yard. I couldn't have my house there. I couldn't  
4 have my house nicely lined up with my neighbor's. It had to  
5 be set back from there. And I had to have a driveway that was  
6 only so wide because I had to respect the water that was  
7 feeding into that wetland. So when I see the wetland paved  
8 over in the yield, I know it's not possible. I wasn't allowed  
9 to do it.

10 I couldn't even have a walk-out basement. We  
11 originally, when our home was proposed to us, we were going to  
12 have a walk-out basement. But because of the way everything  
13 sloped down, we couldn't do the walk-out basement. And then  
14 we ended up with a big swale in the back yard, everything  
15 focusing down there. We had to respect it because all that  
16 water is coming from down pond going right into that  
17 Wetland A. So I question that. And I know I pointed that out  
18 to you in emails and such like that and I'd like to provide  
19 pictures, too.

20 Also, there's been questions about, again, that  
21 place. And it's really easy to pull up the pictures from the  
22 1940s to see exactly where the -- I am speaking of right  
23 there. You can literally see the branches going down. That's  
24 from 1940. That's the last aerial shot -- the first aerial  
25 shots, I guess you could say.

26 And you can also see that the ponds were indeed  
27 man-made but those ponds were, again, if you take a look at  
28 the aerial shots that are available to everybody, the ponds  
29 were made in about 1970s, 1972, so they're about 50 years old.

30 And as Mr. Schindler even pointed out in the

1 February 3rd meeting, those areas are pristine. After 50  
2 years, they are pristine. We have geese. We have all these  
3 deer. We have, unfortunately, a coyote, too. It is like a  
4 nature preserve back there. So to see them all buried and  
5 filled in, it's sad, it's sad, so that's a major issue.

6 Also, the lack of a buffer, it was again something  
7 that Mr. Iafelice brought up at the February 3rd meeting, page  
8 29, line 17 through 27, is that there is no buffer for the --  
9 between the two. And I know that you did grant a buffer for  
10 Keystone Drive when they built that between the two different  
11 communities. And I really want people to think what they  
12 would like right next to them. Would they like a neighbor  
13 that has 52 pages of rules and restrictions living right next  
14 to them? The two homes that would be, well, and myself  
15 included, the number of homes that are going to be impacted  
16 have in-the-ground swimming pools. I've got a playhouse and  
17 my daughter wants another playhouse built outside of our --  
18 which would be in the back yard to the homes that are being  
19 proposed.

20 And then, of course, when you read the 50, 50-some  
21 pages of restrictions, no signs, no campaigns signs, no -- a  
22 lot of restrictions, no basketball hoops and that, those are  
23 all things that are in our community right now and that's  
24 going to be right next to people who are not allowed to have  
25 it. And you're setting up a lot of issues for us to live  
26 there in the future and to sell our homes. So that's another  
27 issue.

28 And, again, it was requested. Mr. Iafelice  
29 requested it at the February 3rd meeting and it wasn't  
30 addressed. You just put home after home after home right next

1 to each other. So -- And, again, like I said in the  
2 beginning, your yield changed by one, from 56 on the February  
3 3rd down to 55 on this May 5th one.

4 Also, as I have reached out to both Lake County  
5 Planning Committee, you've got a major problem with traffic in  
6 the area. While I can appreciate the study that was done at  
7 Canterwood Trail, there was no study done on Hobby Horse,  
8 which is a shared entrance to the community. And as I  
9 circulated and sent out via emails, that's the crash report  
10 for the area. It shows 13 crashes between Hobby Horse and the  
11 proposed Canterwood Trail street.

12 The problem is you have a lot of homes that have,  
13 first of all, along Hoose that have entrances right onto  
14 Hoose. So you're going to have people coming out of that  
15 Canterwood Trail meeting people coming out of a stationary  
16 driveway. Also, as many of us neighbors know, Hobby Horse is  
17 a blind sight, a known -- Lieutenant Rizzo, at the Sheriff's  
18 Department, knows that it is a blind spot entrance, Hobby  
19 Horse.

20 And I don't know whatever happened to the  
21 preliminary trips that Allison spoke of back at the  
22 February 3rd meeting, that 336 trips per day that would be  
23 coming out of the 55-and-over community, but 336 trips out of  
24 there would be too much. You're going to have a lot more  
25 accidents than 13. So -- And if you even take a look at  
26 Morley Road and all along Hoose, there is no higher  
27 concentration of accidents than between Canterwood, the  
28 Canterwood Trail proposal and the Hobby Horse. And it's  
29 because of the lovely blind spot, which I again shared with  
30 you guys via email. That's the way we look at it when we're

1 coming out. And then you can see when you're looking down --  
2 this is actually from right near Canterwood Trail, the  
3 proposal -- you can see where the school bus and the postal  
4 truck disappear in the dip. So that dip is where people would  
5 be using to get access to this community.

6 And while I know I've heard them say that most  
7 people would be going through the Canterwood Trail entrance,  
8 that's just not the case. I mean, most people, you would  
9 expect to go down Button Road but they take a shortcut through  
10 Mentor Park to access our community and other communities. So  
11 people will be using Hobby Horse and there was no sight, no  
12 sight study done on that either.

13 So, also, they stated before in the February 3rd  
14 meeting that these were going to be public roads, which means  
15 that our kids can walk, I would assume, our kids can ride  
16 their bikes through them, through the public roads at this new  
17 community. Also, whether or not there is the realization that  
18 right now our particular community has three different bus  
19 systems that come through it. We have Mentor Public Schools,  
20 we have Riverside, and then we also have the Catholic schools.  
21 So just realize right now all those buses are turning around  
22 in Canterwood Trail. So instead of Canterwood Trail being a  
23 turn-around, it will be the exit right through your new  
24 55-and-over community. So you're going to have Riverside,  
25 Mentor Public Schools, as well as the Catholic school buses  
26 coming through your new community with this going forward.

27 Also, let's see. Your study was only peak hours  
28 study and not for the whole 24 hours that was there. So let's  
29 see here. And I can give you pictures so you can circulate  
30 these around. This is Canterwood Trail as it is right now.

1 You guys, taxpayers, were kind enough to put a nice little  
2 conservation area in there with trees, and I can tell you that  
3 that has definitely helped out my back yard and many people's  
4 back yards with the flow of water. And we, as a community,  
5 would hate to see that go.

6 So that is the Canterwood. That's the Loxterman  
7 driveway right there and it's currently marked "private  
8 driveway." So it was a shock to many of us that that house  
9 would actually, in your first February 3rd proposal, that it  
10 would actually be bulldozed down. That was a shock for us  
11 that they would want to do that.

12 But I see that in this, in the RCD, it's still  
13 standing. So my question is also, with the R-1 yield,  
14 shouldn't we be showing these buildings that are going to  
15 stand in the R-1 yield? They're not even there.

16 And then also, again, there is no storm sewer or any  
17 type of thing in the R-1 yield that would -- There is nothing  
18 in there for how do you manage water in the R-1 yield.

19 And probably the last one, probably the one that my  
20 husband and I, my husband kept on telling me you gotta, gotta,  
21 gotta address it is that. You can pass it around. That's our  
22 back yard at night. The one bright light is the Loxterman's  
23 carriage lights and the other light is the light all the way  
24 out on Hoose Road. We left Mentor for no street lights in  
25 Concord. So when my husband and I saw that you were proposing  
26 street lights, we said, "Oh, my gosh. Our whole back yard  
27 would be lit up."

28 And that light on Hoose Road actually is kind of  
29 right beyond the Canterwood Trail street. So -- And you can  
30 see the carriage lights. Yeah, that's how dark it is. That's

1 how dark it is. I know, it's nice. So it's, to have street  
2 lights, carriage lights are going to be enough shining in our  
3 house. We can't even imagine what it would be like with  
4 street lights.

5 So that's all I have to say. You guys can keep the  
6 photos.

7 CHAIRMAN LINGENFELTER: Thank you.

8 Anybody else in row one that would like to speak  
9 opposed to the current change in zoning?

10 (No response.)

11 Row two, anybody that would like to speak in  
12 opposition? Please state your name and address for the  
13 record.

14 MR. VALENCIC: Anthony Valencic. I live at  
15 7611 Canterwood Trail in Concord. So my house is the second  
16 one adjacent to the new property being proposed. My wife and  
17 I bought our home in 2014. Back then, we didn't have  
18 children. Since then, we have welcomed two new children to  
19 the world and to the neighborhood. So I've got a two-year-old  
20 and a six-month-old who, to this day, enjoy riding their bike  
21 in the cul-de-sac. And I realize some of these comments may  
22 not have to do with zoning but I am going to state them  
23 anyways and we can go from there.

24 I am here tonight selfishly to discuss the cul-de-  
25 sac that's being proposed to be eliminated. I find it, you  
26 know, as a citizen, as a community member, just kind of  
27 shocking that we're standing here tonight talking about  
28 eliminating a cul-de-sac because of a 1955 site plan that says  
29 it's a temporary cul-de-sac. We have lived in this  
30 neighborhood. This neighborhood has existed without a

1 secondary means of entrance, you know, since 1955. So for  
2 Mr. Radachy, at Lake County, to say that it's non-negotiable,  
3 that we can't discuss that, I think it goes against everything  
4 we are as a community.

5 There is options, there is alternatives to cul-de-  
6 sac cut-throughs. There is gates, there is emergency access  
7 pavers, there is a lot of different things that we ought to  
8 have a discussion about rather than just one person, mind you,  
9 is not a Lake County citizen mto have a say in the matter of  
10 what we're doing in the cul-de-sac.

11 I agree with all of Barb's points that she brought  
12 up earlier, so I am not going to restate them.

13 I would like to make note that, being in the  
14 construction industry, I have found the best neighborhoods and  
15 projects that have gone on have been with developers and  
16 contractors and planners that have taken the time to  
17 understand what the impact is on the neighborhoods and the  
18 neighbors surrounding them. To date, I have not heard from,  
19 and I don't believe any of the neighbors have, from the  
20 developer, and I think that's a shame. You know, Concord's a  
21 small town. We ought to be nice to the people that we're  
22 intruding on. And I think it was a missed opportunity on  
23 their part to gain and part of the reason why this room is so  
24 full tonight.

25 Next to Canterwood Trail, the Silversten property  
26 and the Dunning property, we're showing 10 foot setback on the  
27 side yard. As you see those set up right now, these poor  
28 people are going to, you know, walk out of their driveway and  
29 see a side yard -- a side of a building, rather. I am sorry.  
30 There's got to be some sort of buffer between this and Barb's



1 yard. And to say that it's an open green space or it's an  
2 open space, define what an open space is. I think we ought to  
3 have some definition and some things to be, you know, defined  
4 moving forward. To me, the proposal is a little too open-  
5 ended with ways and loopholes to get around things. So I'd  
6 like to see some more guidelines set within. And I think, you  
7 know, the Zoning Commission here tonight has the ability to do  
8 that and I would urge you guys to make that happen.

9 I agree with the yield plan, lots 45, 43, 42, 49,  
10 while the side cut shows that that's buildable, I would argue  
11 that the foundations do not have enough cover there. You're  
12 building on a 20 percent slope. I think it's a haphazard  
13 yield plan that, you know, meets the criteria. It doesn't  
14 satisfy what the intent of that is.

15 Mr. Schindler, I agree with your statements  
16 regarding the conservation plan. You know, the true  
17 definition of conservation plan, I think, has devolved and I  
18 think people are using a loophole within the system to get  
19 what makes sense to them. So I would like to see that brought  
20 up in future agendas to maintain what Concord is about and  
21 what it, you know, should be.

22 On the current plan, the cul-de-sac for Canterwood  
23 Trail is, is not shown properly. The radius of that -- I am  
24 sorry. The diameter of that is actually 100 feet. It's shown  
25 as what is on the original 1955 plan. So there is four houses  
26 that are going to be impacted if this cul-de-sac is to go  
27 through. There are utilities that follow the wider cul-de-sac  
28 with easements today. We need to understand what's going to  
29 happen with all of those utilities, the power lines, there's  
30 gas, there's sanitary, there's driveway shortages.

1           There is existing ravines and creeks that carry the  
2 storm water. How is that going to be managed? It appears as  
3 though there is underground site retention for the new  
4 streets. We have open culverts in our development. There is  
5 probably going to be a headwall, you know, carrying the water  
6 from our culverts. There is no details regarding how that's  
7 going to go. And I understand this is a preliminary plan but  
8 these are all things that, you know, neighboring properties  
9 need to kind of understand what's going on with our, with our  
10 properties. So that's it.

11           CHAIRMAN LINGENFELTER: Thank you.

12           Anybody else that would like to speak in this row in  
13 opposition?

14           MR. SILVERSTEN: My name is Harlan Silversten. I am  
15 the poor person that he talked about. My house is going to  
16 abut this new development. I don't even know where to begin  
17 with this. I am probably the oldest, the longest resident,  
18 certainly, of Canterwood Trail. We bought, we built our house  
19 in 1983, so we've been there 38 years. And we moved there,  
20 just like most of the people here, it was absolutely a little  
21 slice of heaven.

22           When I told people where we lived, they had no clue  
23 where it was. We live three miles from the Great Lakes Mall.  
24 Nobody had a clue where we were and we loved it that way. No  
25 street lights. My kids now are in their mid 40s but, when  
26 they were little ones, that cul-de-sac was the best. All  
27 their friends came over to play there. And again, as Anthony  
28 said, this is probably nothing to do with zoning but you've  
29 got to have a little history of what this has been and what  
30 they want to do with it.

1           So then a few years back, they were going to do away  
2 with the cul-de-sac. Well, my kids are long gone. I have  
3 nine grandchildren that loved our cul-se-sac. That's where  
4 they played ball and rode their bikes. And we put this center  
5 circle in there, which now our tax dollars at work, we're  
6 going to do away with that if this plan goes through. You  
7 know, I just, I just don't understand that.

8           Again, all the people that are concerned about this  
9 Hobby Horse Drive and then coming through our street, that  
10 just was never meant to be a street. I know there are  
11 streets, Hobby Horse being one, that didn't have a second form  
12 of egress. You came up Hobby Horse and you had to go out  
13 Hobby Horse. That driveway is there. They could extend it if  
14 they wanted to and put some kind of gate there with an  
15 emergency something to open it. But to have cars -- and I  
16 know they will -- instead of going in through Morley -- or  
17 through Hoose that is going to be a little bit more busy, they  
18 are going to come up Hobby Horse, come down our street. It's  
19 just going to change our lives.

20           And the one thing I, also, I need you guys to know  
21 about -- I am not sure if this came up. When I built my  
22 house, we bought an additional piece of land from Loxtermans.  
23 It's a separate deed. And when I look at the stake in the  
24 ground at my house, it's not correct, and I think somebody  
25 didn't do enough investigation to see that we have a little 10  
26 or 12 foot -- I don't know the details of it. I could get you  
27 the parcel. But if somebody did look it up, they could see  
28 it. There is a parcel of land about 10, 12 feet the entire  
29 length of -- so I have a turn-around at my driveway that was  
30 not originally part of my piece of property. We bought that

1 so we could make that. So I think that the stake in there is  
2 incorrectly placed.

3 And as Anthony said, I do not want to walk out of my  
4 house and see right in front of me the side of a bunch of  
5 houses. There has to be a buffer between our houses and this  
6 development that they're talking about.

7 CHAIRMAN LINGENFELTER: Which house? Now, when I am  
8 looking at these --

9 MR. SILVERSTEN: 7595.

10 CHAIRMAN LINGENFELTER: Okay. On the picture, they  
11 don't have addresses. Could you just for my --

12 MR. SILVERSTEN: I am the last one on the right.

13 MS. FREEMAN: Yeah. He's right next to proposed  
14 subplot 25.

15 MR. SILVERSTEN: I am the last one on the right-hand  
16 side.

17 CHAIRMAN LINGENFELTER: Okay. Next to lot twenty --  
18 So you would be next to what would be considered lot 25?

19 MR. SILVERSTEN: Yes.

20 CHAIRMAN LINGENFELTER: Okay. I just wanted just  
21 for orientation.

22 MR. SILVERSTEN: That's all right. So, again, as he  
23 said, the poor guy, me, I am the last house on the right-hand  
24 side of the cul-de-sac.

25 CHAIRMAN LINGENFELTER: And, Anthony, you are his  
26 neighbor?

27 MR. SILVERSTEN: Yes, next door.

28 CHAIRMAN LINGENFELTER: Next-door neighbor. So then  
29 you are the second house then?

30 MR. SILVERSTEN: Exactly.

1           CHAIRMAN LINGENFELTER: Just so I understand, okay.  
2 Thank you.

3           MR. SILVERSTEN: That's all I have.

4           CHAIRMAN LINGENFELTER: Thank you very much, sir,  
5 appreciate it.

6           Anybody else in that row that would like to speak in  
7 opposition?

8           (No response.)

9           Okay. We will move to the next row. Is there  
10 anybody that would like to speak in opposition? Please come  
11 up, state your name and address for the record.

12          MR. DUNNING: Hello. I'm Ray Dunning. I am at  
13 10181 Hobby Horse Lane, Concord. I am, if you go into the  
14 cul-de-sac, I am kind of that oddly shaped V that's right next  
15 to Silverstens and Anthony here, right behind them. So, and,  
16 by the way, I did notice that stake thing. I can't believe  
17 you made, had him put his driveway halfway into the  
18 Loxterman's property because you can see it. So I didn't  
19 realize you had bought that but that makes sense.

20          I am not as affected as these people but we're  
21 affected because we're behind it. We have been in the  
22 neighborhood since, just coming up on, it will be 20 years in  
23 August. So I understand all the discussions about having  
24 young children in the neighborhood. Our kids are now in their  
25 20s or 30s, but we had the same thing, you know, kids playing  
26 in cul-de-sac, riding their bikes, all that.

27          I think that the idea of cutting straight through  
28 and getting rid of that cul-de-sac and having it go all the  
29 way through to the street that they talked about, I think, to  
30 me, if they want this to work in any way, that's got to be

1 taken out. It's an nonstarter. I think it will cause more  
2 trouble than it's worth. There's got to be another way to  
3 rethink this whole thing if, in fact, this whole project has  
4 to move forward.

5 Again, that doesn't affect me as much because I am  
6 down in a cul-de-sac below that but I do believe it will  
7 affect most of the neighbors on the street and it just isn't  
8 required. It hasn't been since 1955. So I think that's  
9 something that's got to really be looked at.

10 The street and the neighborhood that we all moved  
11 there for, I remember the day my wife came home and told us  
12 that we were moving. I go, "Well, where?"

13 She said, "Hobby Horse Lane. We bought a house. I  
14 already put an offer in."

15 I go, "Well, we haven't even sold our house yet.  
16 What are you talking about?" We lived in Mentor at the time.  
17 And it's because she was looking at that street for almost a  
18 year to find a -- That's how hard it was to find a house on  
19 the street because of all the things that we all moved there  
20 for. So -- And we've been, and I've been thinking since I  
21 have heard about this, well, at least we got almost 20 years  
22 of this being the way it was. I am looking at the bright side  
23 that, hey, we had this paradise for 20 years. It's going  
24 away.

25 My concern is it seems like this project, the way  
26 it's designed is, they're just trying to cram too much into  
27 that space. They're trying to get through all the state and  
28 federal regulations and they know all the ways of doing it.  
29 They've got engineers that know how to, how to do things in a  
30 way they'll get approved, but they did not consider the

1 neighbors around them that are dramatically affected by this.

2 The Loxtermans do have every right to sell their  
3 property, the Patriarcas. That's their right. They certainly  
4 can and should if that's what they -- it's time to do that.  
5 But this particular development, the way it's designed, it's  
6 as if there is no regard for any of the people on the Hobby  
7 Horse, Canterwood and the local area around it, including the  
8 safety issues that Barb brought up.

9 Barb's presentation was excellent. She probably  
10 spoke for 90 percent of what we would all say. But in  
11 addition to that, I just think there is, if it's going to be  
12 done, it's got to be done more tastefully. There's got to be  
13 more green space, more separation from around the property so  
14 it can be done in a way that makes sense.

15 And the "conservation" word, it seems like that is a  
16 word that is not being used properly for what's being done  
17 because everything is being wiped out in order to put this,  
18 all these 55 properties in there. It seems it may fit the  
19 current descriptions within the laws but I don't believe it,  
20 what was intended by Concord Township, it doesn't fit that at  
21 all. That's my comments. Thank you.

22 CHAIRMAN LINGENFELTER: Thank you very much.

23 Anybody else in that row that would like to speak in  
24 opposition?

25 (No response.)

26 The next row back, I think it's row one, two, three,  
27 four, fifth row? Come on up. Please state your name and  
28 address for the record.

29 MS. PAGLIO: My name is Erin Paglio and we, my  
30 husband and I, live at 7540 -- sorry. I have a little bit of

1 laryngitis -- 7540 Hobby Horse Lane. We're on the corner of  
2 Hoose and Hobby Horse.

3           So the first thing I want to just talk about is  
4 there is a culvert in our front yard right in the corner of  
5 Hobby Horse and Hoose, and a lot of the stormwater and  
6 rainwater runs right into that area. And we have had a lot of  
7 issues with it actually overflowing and already drainage  
8 problems down right there at the corner when we have  
9 torrential or heavy downpours. So that was always a concern  
10 for me when it was proposed that there was another development  
11 going in, that the rain and stormwater was going to be  
12 properly re-averted or reassessed.

13           Anyhow, so that was my first -- But when I heard  
14 that Canterwood Trail was going to be opened up and connected  
15 to Hoose there, that's when I really was the most concerned.  
16 We have a lot of walkers and dog walkers and joggers in our  
17 neighborhood and we don't have sidewalks and we don't have  
18 street lights, and we love it that way. But it's a safe  
19 street and, actually, my husband and I moved into our house  
20 eight years ago today, so it was just kind of fitting that it  
21 was the anniversary of when we moved in.

22           We have no desire to ever leave. This is our  
23 forever home and we just want to see it protected. It's been  
24 fine having that emergency access through the Loxterman  
25 property in the event of an emergency. That is a way to get  
26 out of there, and we understand that's important. However, I  
27 think we all are in agreement, there has to be a way to make  
28 it work that is not a through street, especially when the R-1  
29 was being proposed that it was going to be connected to  
30 Morley. That had most of us in a lot of fear because that



1 would cut off the entire corner and it would be a huge  
2 cut-through, which leads to my final issue that I want to  
3 address.

4 We live right on the corner there. We have seen so  
5 many accidents, as Barb mentioned. We see them because our  
6 "no through street" sign -- I think that's the first sign --  
7 that's been run over twice. There has been numerous  
8 accidents. My mom almost was rear-ended coming over in the  
9 winter because, when you come over the little hill and you  
10 come down Hobby Horse and you want to turn left on Hobby  
11 Horse, if there is a car coming or you're sliding on ice and  
12 you're trying to stop, somebody going 40 miles an hour, which  
13 is what Hoose is --

14 MS. KILFOYLE: Speed limit.

15 MS. PAGLIO: The speed limit for it. Thank you.  
16 You can't stop in time and the car screeched and went to the  
17 side and missed my mom shortly, you know.

18 Our three kids, we've been, they're all like in  
19 driving now or the one has her temps. So the one place I  
20 always tell them, you have to, the minute you turn from Button  
21 onto Hoose, turn your blinker so people at the top of Hoose  
22 know that you're going to be turning left into there. They're  
23 aware of that. Like, be really conscientious. So I have  
24 trained them to do that, my husband and I both.

25 I personally, the other day, it was less than a  
26 month ago, I almost was front-ended turning out onto Hoose  
27 from our development. A car was flying over and had swerved  
28 out of a car across the street from me pulling out of their  
29 driveway. I ended up calling the police department and just  
30 letting them know because it is such a highly trafficked area

1 and it is such a blind spot.

2 So to add any more traffic through our street, I  
3 think, is absolutely unacceptable for safety purposes, to  
4 begin with. If adding a stop sign at the top of Button and  
5 Hoose is your solution, maybe that will help. But I don't see  
6 any reason why we can't come to an agreement that we can make  
7 that just an emergency access and keep Hobby Horse alone.

8 As my neighbor said, we understand the property is  
9 going to be sold but if you could just respect -- As you can  
10 see, there is a whole room full here of people who love and  
11 care about where we live, and we are current taxpayers and I  
12 think our concerns should be listened to and addressed when  
13 you're approving plans that sincerely affect us.

14 So thank you for the time.

15 CHAIRMAN LINGENFELTER: Thank you.

16 Anybody else in that row that would like to speak in  
17 opposition?

18 MR. FRIEBUS: I am Tom Friebus. I live at  
19 10201 Hobby Horse, which is right at the end of the cul-de-  
20 sac. So behind my home will be a bunch of other homes.

21 I have a question, I guess, for the zoning committee  
22 or board, whatever your title is. I looked through the  
23 documents and then the documents that were presented today. I  
24 couldn't quite see them around the corner. But it seemed like  
25 there is three or four or five different sets of documents.  
26 And this is all preliminary, I understand that. But do you  
27 you approve based on preliminary and then, whatever, we get  
28 whatever we get? When -- What is the process going forward,  
29 so we understand? Is there another opportunity to speak?

30 CHAIRMAN LINGENFELTER: Yes, there is. We have, the

1 way the process works is we have a public hearing in front of  
2 Zoning Commission and everybody is given an opportunity to  
3 speak and voice their opinions, and then we vote based on the  
4 information that we have in front of us.

5 And then after that is concluded, then it's given to  
6 the Trustees, okay, and they have another public hearing.  
7 We're a recommending board. That's all we are. Our decision  
8 is not final. We make a recommendation to the Trustees. The  
9 Trustees then take under advisement our public hearing and all  
10 the information that they have from that and then they make a  
11 vote and they have the final say. So we could approve this  
12 plan tonight and they could reject it or we could reject this  
13 plan tonight and they could approve it.

14 MR. FRIEBUS: Will we all be invited to that next  
15 hearing?

16 CHAIRMAN LINGENFELTER: You'll have, you'll have the  
17 -- It will go, it will follow the same protocol that's  
18 followed with public hearings. There will be announcements.  
19 All the affected property owners will be alerted. It will be  
20 out there for consumption electronically on the website. You  
21 will have plenty of opportunity. But, yes, there will be  
22 another public hearing.

23 MR. FRIEBUS: So is there -- When did the documents  
24 that are being voted on get locked down so we're voting on  
25 this?

26 CHAIRMAN LINGENFELTER: Mike, do you have a --

27 MR. LUCAS: When you say "locked down," do you mean  
28 with reference to changes that were made in the process?

29 MR. FRIEBUS: Yeah. Every document, some of them  
30 dated the same date, have different things on them. So I am

1 just trying to --

2 MR. LUCAS: I don't know when they were locked down  
3 per se because I am not privy to when they're submitted. So  
4 all I know is there is an end product that's before the Zoning  
5 Commission at the present time for consideration.

6 CHAIRMAN LINGENFELTER: Right.

7 MR. LUCAS: But different documents that may make  
8 modifications and that --

9 MR. FRIEBUS: I heard one of the guys behind me say  
10 they submitted something today.

11 MR. LUCAS: I don't know. I am not a gatekeeper for  
12 the process.

13 CHAIRMAN LINGENFELTER: What we do is we vote on the  
14 information that we have in front of us this evening, okay,  
15 and we take under consideration the comments and the  
16 presentation from the applicant. We also take under  
17 consideration the comments and remarks that are made by the  
18 public with regards to it, their favorable comments or their  
19 opposition comments. And then we make a decision based on  
20 that. We make recommendations, okay, based on recommendations  
21 that are made. We have an opportunity to sit here and make  
22 some recommendation on changes and then it's up to the  
23 applicant whether or not they want to incorporate those into  
24 our process.

25 MR. FRIEBUS: Okay. Changing direction a little  
26 bit, my major concern about the plan is drainage. I have, my  
27 house is the lowest house on Hobby Horse. There is a pond  
28 behind me. There are lots of fish in my pond. In fact, I can  
29 show you a picture of a bass about this big that my grandson  
30 pulled out of there the other day. There is plenty of

1 wildlife back there.

2           Anyhow, as it exists today, water comes down that  
3 hill into my back yard and into that pond. And if you alter  
4 that water flow, which they're proposing to do, it seems to me  
5 that it can only get worse. So I am very concerned that, as  
6 they develop from directly behind my house out toward Morley,  
7 they're putting three or four more houses in there and more  
8 opportunity for water to drain faster and it's just not going  
9 to get out of the neighborhood fast enough, which means my  
10 house is going to flood and my house value will be hurt  
11 substantially by this, by this proposal.

12           So I know that's -- And I agree with the points that  
13 everybody made and you were very well prepared. So I don't  
14 have anything to add on those points.

15           CHAIRMAN LINGENFELTER: Thank you very much.

16           MR. FRIEBUS: Thank you,

17           CHAIRMAN LINGENFELTER: Appreciate it.

18           Anybody else in that row that would like to come up  
19 and speak in opposition? Anybody else in that last row?  
20 Okay. Now I'm going to move over -- Oh, I'm sorry, ma'am.  
21 Yes, ma'am, come on up, please.

22           MS. WALLACE: Hello.

23           CHAIRMAN LINGENFELTER: Hello.

24           MS. WALLACE: My name is Amy Wallace and we live, my  
25 husband and I live at 7580 Morley Road, so we're right next to  
26 where the proposed development is.

27           We, our main concern is the creek or the stream that  
28 runs through there. It already cannot handle any more water.  
29 It already spills over the culvert into our yard. So that is  
30 the stream that goes between our property and the proposed

1 development property.

2 CHAIRMAN LINGENFELTER: When was that taken?

3 MS. WALLACE: I don't know the date. But it does  
4 that when there is heavy, not when it's just a regular rain  
5 but when we have those heavy rains. We have a walk-out  
6 basement, so that's also a concern.

7 CHAIRMAN LINGENFELTER: Pass that over to Frank.  
8 Thank you.

9 MS. WALLACE: So there is a cement culvert and it  
10 will breach, our pond will breach. And the stream, there is  
11 just no room for more water. We live behind the gentleman who  
12 just spoke, so he has the same concern that we have.

13 MR. SCHINDLER: When you say more rain than usual --

14 MS. WALLACE: Well, when we get some really heavy  
15 rain, not if it's just an ordinary --

16 MR. SCHINDLER: If it rains real hard --

17 MS. WALLACE: If it rains hard for a day.

18 MR. SCHINDLER: -- it goes through right away. But  
19 if you have like rain that, you know, like a good couple days  
20 of rain, average rain, does this start filling up and you get  
21 all this?

22 MS. WALLACE: It depends how, you know, it depends  
23 how fast. We've only been there two years. That's the other  
24 thing. So it just depends how --

25 MR. FRIEBUS: I can address that question.

26 MS. WALLACE: You can?

27 MR. SCHINDLER: When you've noticed this, have you  
28 contacted anybody at the township maybe?

29 MS. WALLACE: No.

30 MR. SCHINDLER: Or contacted anybody in Lake County

1 Planning?

2 MS. WALLACE: No, no.

3 MR. SCHINDLER: Okay.

4 MR. FRIEBUS: If we get a, I will say an inch of  
5 rain in an hour, an hour and a half, pretty heavy rain, and my  
6 back yard will start to flood from the water coming down the  
7 hill from the property up there. The pond will start to fill  
8 and it's supposed to flow out through a series of like four  
9 holes in the concrete. And if we got another inch of rain in  
10 the next hour or so, that will overflow the concrete. When it  
11 overflows the concrete, that means the pond is high enough,  
12 the water in my back yard is high enough and my sump pump is  
13 just running like crazy. And I am sure that it's spilling on  
14 their property because I've been down there trying to clean  
15 brush out of there to open that up, you know, trying to keep,  
16 trying to keep it flowing so I don't get any more damage to my  
17 property. So it's a routine thing.

18 And I did contact one time to have them come down  
19 there. I've been there since 17 years. And I would say that  
20 the amount of sediment in that pond has probably doubled or  
21 tripled in that time. It all just comes rushing down.  
22 I mean, it drains all the way from Weathersfield down into  
23 that pond through some other ponds. I mean, it's doing what  
24 it was designed to do but it doesn't last forever.

25 CHAIRMAN LINGENFELTER: Right.

26 MR. SCHINDLER: Right.

27 CHAIRMAN LINGENFELTER: Thank you.

28 MR. SCHINDLER: Thank you.

29 CHAIRMAN LINGENFELTER: Appreciate that.

30 Go ahead, ma'am. You can go ahead and continue.

1 Thank you for sharing your picture.

2 MS. WALLACE: You're welcome.

3 Our other concern is our -- the lighting. Our house  
4 sits up pretty high. It's built into a hill. So really our  
5 main floor is what would normally be like an upstairs for  
6 somebody. So we're concerned the lighting will come right  
7 into our home.

8 And we're also concerned and would like a little  
9 more clarification what the clubhouse, exactly, is there going  
10 to be because the clubhouse will be adjacent, like, adjacent  
11 to us. So is the clubhouse going to have outside lighting?

12 CHAIRMAN LINGENFELTER: Where did you say you're at,  
13 ma'am?

14 MS. WALLACE: We're at 7580 Morley.

15 CHAIRMAN LINGENFELTER: On Morley Road?

16 MS. GARCAR: This one.

17 CHAIRMAN LINGENFELTER: Okay. Because the clubhouse  
18 is in, kind of like in the middle of the development.

19 MS. WALLACE: Well --

20 CHAIRMAN LINGENFELTER: Right?

21 MS. WALLACE: Is that the clubhouse?

22 MS. FREEMAN: Yeah, you're here.

23 MS. WALLACE: Right, we're here.

24 MS. FREEMAN: The clubhouse is right here.

25 MS. WALLACE: Oh, so what -- I thought that was the  
26 clubhouse. Okay, that's not.

27 MS. FREEMAN: That's a different --

28 MS. WALLACE: Okay. Thank you.

29 CHAIRMAN LINGENFELTER: I just want to make sure I  
30 understand.



1 MS. WALLACE: Okay. That's my mistake.

2 CHAIRMAN LINGENFELTER: No, that's okay. Things  
3 have changed.

4 MS. WALLACE: Right.

5 CHAIRMAN LINGENFELTER: There's been more than one  
6 plan put in front of us, so we understand.

7 MS. WALLACE: So my question next question is, is  
8 there still a proposal on the table for an entrance that comes  
9 out to Morley Road?

10 CHAIRMAN LINGENFELTER: No.

11 MS. WALLACE: Okay, that's off, that's not --

12 CHAIRMAN LINGENFELTER: Yes.

13 MS. WALLACE: Okay, all right.

14 MR. SCHINDLER: That entrance that they showed there  
15 originally was if it's an R-1, that could be developed that  
16 way. They were looking at putting an entrance out to Morley.

17 CHAIRMAN LINGENFELTER: Right.

18 MS. WALLACE: Okay.

19 MR. SCHINDLER: With that type of development. This  
20 here is conservation and that --

21 MS. WALLACE: Okay.

22 CHAIRMAN LINGENFELTER: Yeah, in the original yield  
23 plan -- And it gets confusing and I understand, with the  
24 terminology. But in the initial yield plan, which is what the  
25 developer proposes is what they could potentially put in as a  
26 yield plan, what that does is that shows, gives you an idea if  
27 they were just going to develop it as an R-1 development  
28 without going through this process.

29 MS. WALLACE: Okay, okay.

30 CHAIRMAN LINGENFELTER: There would have been a

1 street, I think, in their initial yield plan, they had a  
2 street --

3 MS. WALLACE: There was one, okay.

4 CHAIRMAN LINGENFELTER: -- coming out and going into  
5 Morley Road.

6 MS. WALLACE: Right, okay.

7 CHAIRMAN LINGENFELTER: But with this, the proposed  
8 plan, it's a cul-de-sac that comes way short of Morley. So,  
9 yes, it's not going to go in there.

10 MS. WALLACE: Okay, thank you. I think that's  
11 everything. Thank you.

12 CHAIRMAN LINGENFELTER: Well, thank you for your  
13 comments.

14 Is there anybody else in that last row that would  
15 like to make a comment in opposition?

16 (No response.)

17 Before I move to the right-hand side of the room,  
18 the left-hand side, your left, my right, is there anybody else  
19 over here that changed their mind and would like to come up to  
20 speak that hasn't spoken yet?

21 (No response.)

22 Okay. We'll move to this side of the room. On the  
23 first row, is there anybody that would like to speak in  
24 opposition? Come up, sir, and state your name and address for  
25 the record, please.

26 MR. NUNES: My name is Brian Nunes. I live at  
27 10073 Meadowlake Court. I am not really speaking in  
28 opposition or for. I have more questions, I guess, than I  
29 have answers. My question is the word "open space." My  
30 concern is, if this thing goes through, what stops development

1 from happening in the open space down the road? Is there an  
2 opportunity for tennis courts, pools, playgrounds, things of  
3 that nature?

4 CHAIRMAN LINGENFELTER: No.

5 MR. NUNES: Anything in there? And what are we --  
6 What's in place to prevent that stuff from happening? Is it  
7 up to the HMO -- or HOA at that point?

8 CHAIRMAN LINGENFELTER: It could be a number of  
9 issues. Sometimes developers engage with a conservation  
10 organization to manage the open space, sometimes it's managed  
11 through the HOA, sometimes it's managed through the township.  
12 It just depends on the situation, what the developer proposes.

13 But as far as the open space is concerned, that is  
14 the intent of the open space is for it to be left in its  
15 natural state. So it's not to be developed. It's not --  
16 They're not supposed to put swimming pools or tennis courts or  
17 basketball courts or anything like that in the open space.  
18 That is the intention of the open space is to maintain a  
19 natural setting.

20 MR. NUNES: I guess that's my concern is the word  
21 "intention."

22 CHAIRMAN LINGENFELTER: Right, well, yes.

23 MR. NUNES: Because, you know, certainly and,  
24 obviously, there is always the possibility of, you know,  
25 encroachment. People's yards are butting up to the open  
26 space, you know. What's to stop them from moving further and  
27 further back towards the current residents.

28 CHAIRMAN LINGENFELTER: Diligence of the  
29 neighborhood, diligence of the residents, diligence of the  
30 neighborhood, diligence of the HOA, diligence of the

1 conservation organization that's involved. Does that mean  
2 that it won't? No, absolutely not. I live in a conservation  
3 development myself and I know it happens, and it does happen.  
4 You are right. There is encroachment. I don't think it's  
5 intentional. Sometimes it may be. But I think, for the most  
6 part, I think people's intentions are true but they start  
7 cutting the grass and they encroach, they take a couple trees  
8 down and then, all of the sudden, their half acre lot turns  
9 into a quarter -- three-quarter acre lot, you know. And  
10 I understand and that happens. Okay?

11 And that's why we have tried to put the mechanisms,  
12 the restrictive covenants for the property, the development in  
13 place that will prevent those things from happening but, at  
14 the end of the day, there is no guarantee that those won't  
15 happen. It's really up to the residents, the neighbors to  
16 make sure you police what's going on in your development and  
17 that's kind of the important component that takes place.

18 So --

19 But the answer is that there is no guarantee. The  
20 intent is what it is. It's the intent. And you really hope  
21 that your neighbors will, you know, live up to that intent.

22 MR. NUNES: I guess the question really is more, if  
23 they were going to build something along the lines of a  
24 playground, would they have to come here and put in a request  
25 for a permit like I did when I built my shed? Is there things  
26 that would have to receive approval in order for them to do  
27 something like that?

28 CHAIRMAN LINGENFELTER: Once it's designated open  
29 space, that's the way it remains.

30 MR. NUNES: Okay.

1           CHAIRMAN LINGENFELTER: So now does that mean that  
2 if the community got together and they decided they wanted to  
3 put something else in that they couldn't come and ask for  
4 that? Sure, it's their right to do that. But at the end of  
5 the day, I think it would be pretty tough sledding to get  
6 something like that through.

7           MR. NUNES: Okay.

8           CHAIRMAN LINGENFELTER: What we're doing is we're  
9 granting approval based on the plans that we're given this  
10 evening, okay, or denying. We're either approving or denying  
11 based on what we're given this evening and the comments that  
12 are being made this evening.

13          MR. NUNES: I guess that's where my biggest concern  
14 is. What could change as we move forward?

15          CHAIRMAN LINGENFELTER: Understood.

16          MR. NUNES: We have talked about this being a lot of  
17 preliminary plans.

18          CHAIRMAN LINGENFELTER: Right. And those are valid  
19 concerns, those are valid comments.

20          MR. SCHINDLER: One of the things that I would  
21 suggest is, and most homeowners now have a strong association,  
22 and it's up to the homeowners association. When people buy  
23 into those areas, they're given that, normally, by the  
24 developer or I should say the realtors. They should be given  
25 that. And it is going to be as strong as the members you have  
26 in your association. If they stick together and really covet  
27 that association agreement, that's where you will be able to  
28 have control.

29                 But over time -- And trust me, I know about this  
30 because I had an association in my development which is no

1 more because people leave. And then after a while, people  
2 don't want to take responsibility anymore or they don't want  
3 to be a member of the governing body that's part of the  
4 association and that's when things start falling apart.

5 So if you can have a good, strong association and  
6 make it known that none of this stuff can be done, that should  
7 be probably your best hope. Trust me. Okay? Because other  
8 than that, then start going to the township, for example, or  
9 associations like us, you will be going, trying to get through  
10 lawsuits and stuff and that can go on and all that does is  
11 cause bitterness.

12 So all I would suggest is have a strong homeowners  
13 association so you can govern each other and keep an eye on  
14 each other and see that stuff like this doesn't happen. And  
15 have your meetings. We would have meetings every month with  
16 the boards of our association, and we would do a lot that  
17 governed our neighborhood. And if you have a strong  
18 association, things will move along very smoothly. Trust me.

19 MR. NUNES: Thank you.

20 CHAIRMAN LINGENFELTER: Thank you.

21 Anybody else in row one?

22 (No response.)

23 Okay. I will move to row two. I don't think there  
24 is anybody in row two. Row three, anybody in row three that  
25 would like to speak in opposition of the proposed zoning  
26 change. Row three?

27 (No response.)

28 Okay. Row four, anybody in row four that would like  
29 to speak in opposition? Come on up, sir. Please state your  
30 name and address for the record.

1 MR. MANILLA: Hello. My name is Bernie Manilla. I  
2 live at 10065 Meadowlake Court. I am on the western edge of  
3 the proposed development. I have lived at that address for  
4 nearly 29 years.

5 Just a few comments. Some, I am just going to  
6 re-echo what's already been said. I think the R-1 plan which  
7 was presented as the basis for this development has a lot of  
8 holes, so I really question how you can go from the R-1 to the  
9 RCD in good faith.

10 It was just brought up about what happens to the, if  
11 it was approved to go to an RCD. I think me and my neighbor  
12 who just spoke before talk about the open space. Right now,  
13 it's shows a nice buffer in this new development between our  
14 property. And so if it stayed that way forever and ever, that  
15 would be pretty nice. But our concern is, yes, we heard the  
16 word "intention." What happens? It's a nice, big piece of  
17 property there that's open and I can see something coming in  
18 there down the road, developers are out of the plan, they're  
19 out of the picture, homeowners association takes over, right?  
20 They decide what's done. I am not saying my other neighbors  
21 wouldn't be concerned but it really wouldn't be their problem  
22 in the future.

23 So, you know, when they put in open space, the  
24 intention is good. You just have to have faith in people that  
25 they and the Zoning Commission would have your back. You  
26 know, that's what went in. You are not going to do anything  
27 to that property.

28 I heard other terms earlier about walking trails  
29 and, in the plans that I saw, I never saw a walking trail. So  
30 is it possible that they could tell us, are they going to put

1 a walking trail right through the field next to our property?  
2 Is that a proposed area for the walking trail?

3 CHAIRMAN LINGENFELTER: Sir, I don't mean to  
4 interrupt. I understand your concern and I think that's a  
5 question we would like you to present to us.

6 MR. MANILLA: Oh, okay.

7 CHAIRMAN LINGENFELTER: And then we will give him an  
8 opportunity to respond to that, so we will get you an answer  
9 on that.

10 MR. MANILLA: Other issues that have been voiced, my  
11 property, again, is just to the west. I have a whole line of  
12 property going to the west almost all the way to Hoose. And  
13 there is a wetland in my property, my back third of my  
14 property, and it receives the water from Canterwood. So if  
15 there is going to be additional flow into there -- It does get  
16 wet in the springtime but it dries out in the summer and you  
17 can walk on it. There is a creek that runs through there and  
18 it flows into a pond right at the corner.

19 If there is going to be additional flow, it's going  
20 to come down through there into my back property, into the  
21 neighbor's property who is not here, into that big pond.  
22 Maybe you've probably seen it if you've ever been there at the  
23 corner of Button.

24 CHAIRMAN LINGENFELTER: So I understand your, so I  
25 understand your location -- because we don't have addresses on  
26 here, I am just looking at the drawing -- can you be specific  
27 as to which house you're in on Meadow, on Meadowlake Court,  
28 please? Would you show us?

29 MR. MANILLA: Well, it would be just to the west of  
30 the western line.



1           CHAIRMAN LINGENFELTER: Okay. So you would be, you  
2 would be right up against the, that western --

3           MR. MANILLA: Yes. I have a built-in swimming pool  
4 next to the field.

5           CHAIRMAN LINGENFELTER: Gotcha.

6           MR. MANILLA: That we've had for 20 years.

7           CHAIRMAN LINGENFELTER: So that wetland, that .43  
8 acres of Wetland A is in your back, towards the back of your  
9 property. Is that on your property?

10          MR. MANILLA: If it's the part that's directly  
11 behind mine, yes.

12          CHAIRMAN LINGENFELTER: Okay.

13          MR. MANILLA: And then what they were talking about,  
14 the culvert or there is another pond just to the east, into  
15 the Loxterman property that flows in and underneath into there  
16 and it all flows west.

17          CHAIRMAN LINGENFELTER: Right.

18          MR. MANILLA: Like everybody says, everything goes  
19 east to west --

20          CHAIRMAN LINGENFELTER: Right.

21          MR. MANILLA: -- into the ponds, all the way down,  
22 and then it flows out onto Hobby Horse when we get bad storms  
23 into the Paglio's property.

24          CHAIRMAN LINGENFELTER: Understood.

25          MR. MANILLA: So if that's going to get worse, I  
26 guess we have to deal with it.

27          CHAIRMAN LINGENFELTER: Understood.

28          MR. MANILLA: Okay? And then, finally, one last  
29 question. I think what I am hearing, the question was raised  
30 about process tonight. I think we're here and you are going

1 to actually vote tonight on a -- on this proposal.

2 CHAIRMAN LINGENFELTER: We'd like to.

3 MR. MANILLA: Okay. And if you do, how often does  
4 your recommendation go forward? Whatever you vote, what's the  
5 percentage of time the Trustees just take what you -- Is it  
6 like 90 percent?

7 CHAIRMAN LINGENFELTER: Sir, you know what? I  
8 honestly, when I have the opportunity to sit here on this day  
9 as a Zoning Commission member, I get to have my input on every  
10 project that comes in front of the township. And I don't  
11 really -- You may think this is kind of weird but I don't  
12 really pay any attention to what happens after our meetings.  
13 I don't watch the trustee meetings. I don't talk to the  
14 trustees about what they decide. If they vote against my --  
15 our proposals or our recommendations, it doesn't matter to me.

16 MR. MANILLA: Maybe I should have asked it a  
17 different way is, how often do they --

18 CHAIRMAN LINGENFELTER: I, honestly, I couldn't tell  
19 you. I know that sounds kind of strange and I am sure there  
20 are statistics that are out there that would show what -- how  
21 many times they vote in accordance with our recommendation.  
22 But a lot of people say, "Oh, I see that the trustees shot  
23 your proposal down." It's like, So? I mean, I had my say.  
24 We made our recommendation. We did our jobs. And then it's  
25 up to the trustees to make their final recommendation and that  
26 doesn't really matter to me because we've had our opportunity  
27 to discuss this and put a proposal in front of the trustees.  
28 So how it all falls, I honestly can't always tell you. I  
29 don't really pay any attention after it leaves here.

30 MR. MANILLA: Okay. Thank you for your time.

1           CHAIRMAN LINGENFELTER: Thank you. Appreciate your  
2 comments.

3           Anybody else in that back row that would like to  
4 comment in opposition? The last row? Sir, please state your  
5 name and address for the record.

6           MR. SHECK: My name is Eric Sheck. I live at  
7 10145 Hoose Road. I'm a little late to this ball game. I  
8 didn't receive notification of these proceedings until just a  
9 few short weeks ago, so I am kind of behind the eight ball.

10          But it seems to me, after hearing everybody's  
11 individual concerns for any liability on their property, I  
12 look at the overall, big picture of all this. And I would  
13 like to ask the Commission, who benefits from all of this? I  
14 guarantee you it's not one single person that surrounds that  
15 property. It seems to me only the developers are the ones who  
16 are going to benefit from this.

17          You know, when I moved in over there, I could look  
18 across the street and it was like a horse farm.  
19 Mr. Loxterman, I am sure, could back me up on this, that when  
20 you had an open field, horse barns and beautiful ponds that  
21 you could see from the roads, apple trees, there was no way  
22 that a development can look better than that. And I think  
23 that, if it goes forward, this new zoning amendment, that it  
24 should be a very minimalistic footprint that is put on this  
25 property.

26          I think a proposal of filling in ponds is totally  
27 unacceptable. I think that 30 percent for conservation is not  
28 enough. I think that should be a much higher number. The  
29 only one who benefits from more homes is the developer,  
30 certainly, none of us homeowners.

1           CHAIRMAN LINGENFELTER: Well, you, I think, you make  
2 a very valid point and I appreciate your comment. And this is  
3 something that we grapple with on a regular basis as a Zoning  
4 Commission. This issue has been in front of us on more than  
5 one occasion. We have made numerous changes, tweaks and  
6 adjustments to our RCD text over the last several years since  
7 we have approved it into our zoning text.

8           We feel it was in the best interest of the community  
9 to try to avoid the cookie-cutter R-1 development where they  
10 don't have to come, the developer doesn't have to come to us  
11 for permission. It's already zoned. They can go right to the  
12 Planning Commission and make their proposal and start  
13 construction. It's a relatively streamlined, simple process  
14 and we have no input as a community, okay, we have none. You  
15 can go to the, you can go to the Lake County Planning  
16 Commission hearings and voice your opposition there but it's,  
17 pretty much, the die is cast at that point.

18           What we felt the conservation zoning would do would  
19 give us an opportunity to have some input and give the  
20 residents, the affected residents some input into the process.  
21 And so what we have in front of us is an opportunity that we  
22 give to the developers to kind of steer them towards the  
23 conservation type of a development, a choice, is to set aside  
24 some open space. And for doing that -- because they're  
25 forefitting homes, they're giving up lots that they could  
26 potentially build homes on, potentially -- we're giving them a  
27 bonus. We're giving them an opportunity to add to that in  
28 order to preserve some open space for the community. And we  
29 think we all benefit from that if we have open space. Okay?  
30 We all benefit from those types of developments.

1           And so we have made adjustments. We talked about --  
2 And it's not easy to come up with percentages, you know, just  
3 to put a flat percentage on. If the parcel of property is X  
4 number of acres and they want to do a, they want to do a  
5 conservation development, what's the percentage? How do you  
6 assign a number to that? It's kind of a, it's a very  
7 arbitrary number.

8           And then at what point, do you take it to the point  
9 where a developer looks at that -- Because this is an option.  
10 It's not a requirement, it's an option. And we hope that it  
11 is enough to incent the developer to choose this over a  
12 traditional R-1 development. If the, if it's so onerous on  
13 the developer that they have to give up so much property and  
14 so much space, then it becomes -- it doesn't become a feasible  
15 project. Okay? So they don't -- They opt to just go with the  
16 traditional R-1 and we loss out as community because now the  
17 space that could have been open space is gone. They clear  
18 cut, put up houses, a lot of impervious, you know, surfaces  
19 with rooftops and driveways, et cetera, et cetera, roads, and  
20 it's over and you get what you get. And whether you like it  
21 or not, whether you're affected by it or not doesn't really  
22 matter because it's going in.

23           With the conservation zoning concept, we have a lot  
24 more input. We have a lot -- This hearing is because of this.  
25 You're all here tonight because we have this zoning text  
26 opportunity in our Zoning Resolution and you have an  
27 opportunity to provide input and either a favorable comment or  
28 an opposition comment on this proposal.

29           And as we look at these things, we are looking,  
30 we're constantly trying to make changes on the process because

1 we don't like -- We decided, as a Zoning Commission, we don't  
2 like the yield plan. Okay? So now we've made moves in the  
3 future that we've eliminated the yield plan as a process  
4 because we know that the yield plan is really just kind of mis  
5 -- and the developers will stand here in front of us and say,  
6 "We're not really going to build this but this is the yield  
7 plan."

8           So we said, "If you're not going to really build it,  
9 then why are you coming in front of us with this as a  
10 potential development?" So we've eliminated the yield plan.  
11 We're striking that out of the -- We're not even going to have  
12 that as a part of the process moving forward. Today, it's  
13 here because this is the text that we have that's in place,  
14 but we are making changes as we move.

15           And we welcome the community's input on a regular  
16 basis. We are here once a month, the first Tuesday of every  
17 month. And I will say 90 percent of the time, maybe more,  
18 there is an empty room. And we do work sessions and this is  
19 all a part of public record. Our agenda is published, the  
20 things that we do. We would love to have people come in here  
21 and explain to us what they would like to see as a community  
22 so we can take those ideas and incorporate that into the  
23 process because it's important. But when we don't have any  
24 community input, it's very difficult for us to read the tea  
25 leaves and understand what it is that people actually want.

26           And so I am sorry for kind of going off on the rail  
27 here but I just want you -- You say, is there things that can  
28 be done? The answer is yes. We need input and we're doing  
29 the best that we can with the information that we have and the  
30 plans that are put in front of us.

1           And we take this very seriously. We don't wish to  
2 impact people's properties. I have lived in the township. I  
3 think I moved in in '88. I've been here since '88. And I've  
4 been on the Zoning Commission since '98, I think. So I've  
5 been on the Zoning Commission over 20 years and I've been  
6 through a lot of this process and it's very important and we  
7 take this very seriously. And it's not a -- And we understand  
8 that people's properties are impacted, the value of their  
9 homes are impacted, and we try to do these things and impact  
10 the least amount that we can. But at the end of the day, we  
11 don't own the property. I am a property rights advocate. I  
12 believe that people have the ability to do with their property  
13 as they see fit. They pay the taxes, they pay the mortgage,  
14 and they should be able to do the things that they want to do  
15 and you should be able to live and enjoy your property the way  
16 it is.

17           And I know that when you live next to a big piece of  
18 property and it's a horse farm, it's awesome while you're  
19 living there. But at some point in time, it's still a piece  
20 of private property and it's going to turn into something.  
21 And you hope that we have the input and the ability to kind of  
22 direct what it turns into versus just somebody coming in and  
23 just clear-cutting, plowing it over, grading it, slapping up  
24 houses, digging in, you know, digging up foundations and  
25 putting in houses.

26           We hope that we can have a little bit more input and  
27 that's why we do what we do and that's why we do this, so that  
28 we can get the input and we can have the ability to listen to  
29 people's thoughts in the process. Because if this was an R-1  
30 development, make no mistake, this would be going in and you

1 would have no input. You could go and you can throw yourself  
2 in front of the Lake County Planning Commission but you're at  
3 their mercy. And if they, they're not as -- If it's an R-1  
4 zoning and it's within the Ohio Revised Code that fits all  
5 their, you know, all their requirements, it goes in and that's  
6 the way it goes. And they can mitigate wetlands. They can  
7 mitigate, you know, on a lot of different things and deal with  
8 it and that's what you get.

9           So, this, it gives us a process. So as a resident,  
10 you have to make a decision. Do we want something where we  
11 can have some input or do we want -- or do we just get what we  
12 get? And that's what happens if we drive this process, if we  
13 make it so onerous on the developers that they don't want to  
14 go with conservation zoning. Then you're going to get an R-1  
15 or and R -- whatever the designation is. That's what you're  
16 going to get.

17           And so we hope that -- We don't want to take the  
18 slash and burn component. We want to make, we want to try to  
19 make this so that it's acceptable and that the people can, the  
20 developers, there is an advantage for them, they can take  
21 advantage. And there is, also, there is an advantage here.  
22 We all win. To me, we all win in a conservation development  
23 because there is land that's preserved as open space and you  
24 get houses and you hope that you try to get a balance. And  
25 that's what we try to do. So --

26           MR. SHECK: Thank you for your comments, though some  
27 of them, I don't like.

28           CHAIRMAN LINGENFELTER: I say a lot of things up  
29 here that people don't like but that's the job.

30           MR. SHECK: In regards though to this request for



1 the new R-2 zoning, I too think there are too many holes in it  
2 and I think that it requires further amending.

3 CHAIRMAN LINGENFELTER: You know what? I would, I  
4 would love to see people come in here on the first Tuesday of  
5 every month and when we have a work session and we're  
6 discussing text, zoning text amendments and changes to the  
7 zoning, definitions, purposes, all the things we -- I mean,  
8 it's not a glorious job, folks, it really isn't. It's a lot  
9 of hard work and it's a lot of things that we go through, and  
10 it would be great to get some public input on this stuff.

11 I mean, we actually put a section on our agenda  
12 every, every meeting, there is a section at the end of the  
13 agenda that says "public input." And so you can come here and  
14 you can talk. You can bring things up. You can discuss  
15 anything to this Zoning Commission that you want to and we  
16 will be glad to hear what you have to say. And if it's a  
17 valid issue and we think that there is some merit to it, we'll  
18 put it on the agenda and we will put it into the zoning text  
19 and we will incorporate it into what we do. We welcome that  
20 kind of thing and we would really appreciate it if people  
21 would come.

22 But like I said, there is a lot of nights that we  
23 sit up here and we're lonely. There is nobody out there,  
24 nobody on the phone, and we have to make decisions and it's  
25 hard. So anyway --

26 MR. SHECK: Thank you.

27 CHAIRMAN LINGENFELTER: Thank you. Appreciate it.

28 Is there anybody else, anybody else have a second  
29 thought, they want to come up and speak in opposition? We're  
30 in the opposition component. Anybody else that would like to

1 come up and speak?

2 (No response.)

3 Okay. At this point, I will close the -- I am  
4 sorry. That's right. Thank you. On the phone, is there  
5 anybody on the phone that would like to speak in opposition to  
6 the proposed zoning change?

7 MR. DANIELS: Yes.

8 CHAIRMAN LINGENFELTER: Oh, well, I am glad I  
9 thought of that then. Thanks to the nice people in the second  
10 row. State your name and address for the record, please, and  
11 go ahead and state your case.

12 MR. DANIELS: My name is Paul Daniels. I live at  
13 10205 Isley Square.

14 And my main question was regarding, if you look at  
15 the phase map, Phase 2, was what I have in front of me, lots  
16 42, 44 on the proposal, we have five units, planned units on  
17 our property line. And I am just concerned about that many  
18 units. I do see the benefits of the RCD-2. And the  
19 developers have 55 and over, I see benefits to that.

20 However, I have some concerns about that many units  
21 and the buffer setback. Is there a, is there a setback when  
22 an R-2 borders an R-1? Is there a mandated buffer? I  
23 thought, at your last meeting, you amended 15.25, Section E in  
24 the Resolution to include a 50 foot but I am not sure if  
25 that's correct or not.

26 MS. FREEMAN: Mr. Chairman, I can --

27 MR. DANIELS: That would be for the Zoning  
28 Commission to clarify that, the setback, because on the  
29 plan they look pretty close. I think the building setback is  
30 30 feet and that seems to be too close there.

1           And we also have some stormwater grading, stormwater  
2 management, drainage issues. We have outdoor sumps. We have  
3 French drains. We have flooding. So we're just concerned  
4 about the drainage as well, the high water table, and there is  
5 concerns about that. I would imagine that would be reviewed  
6 by the Lake County Engineer and stormwater management later.  
7 But just those are my concerns.

8           CHAIRMAN LINGENFELTER: Heather, do you want to  
9 respond to that?

10          MS. FREEMAN: Mr. Chairman, I can answer the  
11 question on whether or not there is a required buffer between  
12 an existing R-1 and an RCD. There is currently not a required  
13 buffer. What you heard probably was part of our work session  
14 that the Zoning Commission had last month when we were talking  
15 the potential changes to the text. Those changes have not  
16 been moved forward yet. They're not adopted in any way. So  
17 if they're proposing lots with no open space there, such as  
18 shown on this plan, the only setback requirement that they  
19 would have to follow is the minimum 30 feet.

20          CHAIRMAN LINGENFELTER: Does that answer your  
21 question, sir?

22          MR. DANIELS: That was just the 30 foot. So,  
23 potentially, there could be a structure 30 foot, 30 feet from  
24 our property line. Is that what I understand?

25          CHAIRMAN LINGENFELTER: Is that true?

26          MR. SCHINDLER: That's correct.

27          MS. FREEMAN: Yeah, the house could be as close as  
28 30 feet, that's correct.

29          MR. SCHINDLER: That's correct.

30          CHAIRMAN LINGENFELTER: Yes, could be.

1 MR. DANIELS: Okay. Which I feel, I just feel  
2 that's too close. There needs to be more of a buffer,  
3 especially with that many units there.

4 But, and then also it appears, just to clarify, also  
5 on the Zoning Resolution that 20 feet from, you can't clear  
6 trees out more than or only after 20 feet from the, clear from  
7 the building, like hedgerows, trees; is that correct?

8 MS. FREEMAN: Again, this is Heather Freeman, the  
9 Zoning Inspector. That 20 feet is strictly for a Planned Unit  
10 Development, R-2 district. This is an R-2 Residential  
11 Conservation Development, so that is not applicable for this  
12 design.

13 MR. DANIELS: All right. So that's my main concern  
14 is the drainage, the stormwater problems, the flooding, all  
15 those units right on our property line very close. I don't  
16 see any other home in the area that has that many units that  
17 close to the property line. So that would be a major concern.  
18 And what's it going to look like? I know the R-2 is supposed  
19 to preserve hedgerows, natural corridors, trees, you know.  
20 The R-1, I know that they don't clear-cut -- They clear-cut  
21 the R-1 but not in the R-2 but what is left of that natural  
22 barrier? Do they leave the trees there and the hedgerows?  
23 That would be my question.

24 CHAIRMAN LINGENFELTER: Would they leave them or --

25 MR. DANIELS: Right. Is there -- I know you said  
26 there is no buffer but would they leave -- I mean, there is  
27 some trees that straddle the line, the property line, and then  
28 there is some shrubs, just natural, like, a hedgerow, like it  
29 says right in the Zoning Resolution. But is that left as  
30 screening? Are we going to be looking at just a row of houses

1 30 feet from our property line?

2 CHAIRMAN LINGENFELTER: That would be a question  
3 for, that would be a question that we will ask Mr. Smul to  
4 address when he, when he gets a chance to respond.

5 MR. DANIELS: Okay.

6 CHAIRMAN LINGENFELTER: So please stay tuned. We  
7 will make a note of it.

8 MR. DANIELS: So the question would be, what would  
9 be the -- How is close to our property line would the building  
10 homes be from our property line? And would the existing  
11 vegetation, trees, bushes, would anything be left there or how  
12 would that look, aesthetically, I guess you'd say?

13 CHAIRMAN LINGENFELTER: Okay. We will make sure we  
14 ask that question. We will get that responded to for you.

15 MR. DANIELS: Right. Like I said, that would be my  
16 concerns and then, of course, the drainage problems,  
17 potentially. That's all.

18 CHAIRMAN LINGENFELTER: Okay. Any other comments?  
19 Are you good?

20 (No response.)

21 I guess so.

22 MR. REPERT: I guess so, yeah.

23 CHAIRMAN LINGENFELTER: Is there anybody else on the  
24 phone that would like to make a comment in opposition?

25 (No response.)

26 I will take that as there is nobody else.

27 Okay. At this point, I will close the public  
28 portion of this public hearing.

29 Mr. Smul, would you like to come up and address some  
30 of the comments and questions that have been raised during the

1 public comment period?

2 MR. SMUL: Sure. Do I need to state my name again?

3 CHAIRMAN LINGENFELTER: No, you're good.

4 MR. SMUL: Is this all right? So there's quite a  
5 few comments, so give me a minute. First off, with the  
6 comment that we have not heard from the developer, someone  
7 from our office has been speaking with Jen -- What's the last  
8 name -- Smyser. So we offered to have a meeting with them and  
9 they politely turned it down. So we did talk about having a  
10 meeting with the residents.

11 Two, the temporary cul-de-sac on the plan on  
12 Canterwood Trail, we would like to keep it. That would be a  
13 benefit for us, too. But Lake County Planning, I believe,  
14 would not allow that, so our hands are tied, basically.

15 CHAIRMAN LINGENFELTER: That becomes, that's an  
16 egress-ingress issue, you know, with regards to the  
17 development, safety forces, things of that nature. They  
18 really frown upon developments that have one entrance in and  
19 out because, if something were to happen, a tree falls down, a  
20 flood, accident blocking and somebody has an issue and they  
21 can't get back into the development to address it, that  
22 becomes a major safety issue. So that's what happens with the  
23 ingress-egress side of things on that, just so you understand.

24 Go ahead. I am sorry.

25 MR. SMUL: That's okay. By the way you explained  
26 the process very, very well with the RCD and that's what we're  
27 all for is trying to conserve as much space as possible. In  
28 fact, I spoke with Heather a little bit about it. Like, the  
29 houses that we're planning on building aren't as deep as the  
30 lots that we need. So in our mind, we would like to actually

1 cut more of the lots off to conserve more open space. So as  
2 far as the public meetings and going forward on RCD plans, I  
3 think it's got to have some flexibility for the developer so  
4 he can create more open space.

5 There is different, you know, we can talk off the  
6 record about calculations, I think. I talked to Dave Radachy  
7 about it a little bit about calculations for yield plans and  
8 he is in line thinking with what we were thinking as well.

9 CHAIRMAN LINGENFELTER: Okay.

10 MR. SMUL: Sorry to get off topic there.

11 CHAIRMAN LINGENFELTER: That's okay.

12 MR. SMUL: I heard the comments about the neighbors  
13 to the south on Canterwood Trail sublots regarding moving,  
14 coming into our development heading north. That's why we  
15 proposed making those lots wider and not making them an Epcon  
16 style house, making them single family, so the houses that  
17 would be next to them will be single family, more of a  
18 traditional sense of flowing into there so they won't have a  
19 different style house than what is next to them.

20 CHAIRMAN LINGENFELTER: So your proposal for lot 24  
21 and 25 is --

22 MR. SMUL: Lot 23, 24, that's on the --

23 CHAIRMAN LINGENFELTER: And 25?

24 MR. SMUL: -- the west, the western side. And 25,  
25 we did have that wider.

26 And, Mr. Silversten, they did adjust the plan to  
27 account for the wider parcel, so -- and that was resubmitted  
28 to Concord Township.

29 CHAIRMAN LINGENFELTER: Okay.

30 MR. SMUL: So they asked about adjustments and when

1 are we done adjusting? It's, there is a process to go through  
2 and then there is questions and then there is feedback and  
3 then we try to keep adjusting to the feedback. And it's kind  
4 of like a Rubik's Cube. You keep turning and adjusting. So  
5 there is a lot of variables that go on to make the plans and  
6 it's not final until, you know, until the end, basically,  
7 until you get to the final design.

8           Let's see what else. We talked -- There was a lot  
9 of concerns about traffic. And from what I heard from the  
10 residents, it sounded like Hobby Horse and Hoose, it's a lot  
11 of accidents that happen there. So this development, the  
12 proximity of Canterwood and Hoose is closer to, for these  
13 residents to leave and enter that way. Whether a resident  
14 decides to go that way, that would be up to them. But my  
15 feeling is that, logically, they're going to come the shortest  
16 distance to get out of the subdivision. I know that's, when I  
17 leave my subdivision, that's how I leave, the shortest  
18 distance.

19           Let's see what else. We talked about the HOA a  
20 little bit and the open space. So that's why we're deeding it  
21 to the HOA. This HOA will probably be different from a lot of  
22 HOAs that are out there for traditional subdivisions. It  
23 might be more like an HOA like Quail Hollow. So this is going  
24 to have a community center. The HOA is going to have to  
25 manage the Community Center, the clubhouse, the pool, the  
26 parking lot, and all the maintenance regarding that, cutting  
27 lawns, snowplowing. I'm probably missing some other things  
28 but there is a lot of -- They're going to be a very active  
29 HOA. So -- And then the residents are going to be buying a  
30 piece of property and we're not going to be putting something,



1 proposing to put a tennis court behind anyone's house. So I  
2 feel like if anything like that even came close to happening,  
3 the township would be getting a phone call.

4 CHAIRMAN LINGENFELTER: Right.

5 Can you address the walking trail? I know there was  
6 some folks that asked about the walking trail.

7 MR. SMUL: Oh, sure.

8 CHAIRMAN LINGENFELTER: Can you give us an idea of  
9 where you are planning on putting them or what they would look  
10 like?

11 MR. SMUL: It would just be one walking trail. It  
12 would be for sublots 57 through 59, which are on Hoose Road,  
13 and we would have a little natural walking trail connecting to  
14 Canterwood Trail. And that's from the Lake County Planning.  
15 They made a comment about that being not connected to the  
16 subdivision. They'd have to pull out and drive. So we  
17 figured, let's put a small little walking trail.

18 CHAIRMAN LINGENFELTER: So you are saying about,  
19 you're talking about putting a walking trail in the open space  
20 that goes from where?

21 MR. SMUL: 57 through 59 on Hoose Road.

22 CHAIRMAN LINGENFELTER: Right.

23 MR. SMUL: To Canterwood Trail.

24 CHAIRMAN LINGENFELTER: So that's going through  
25 their back yards, the fifty --

26 MR. SMUL: No, right to the front of the  
27 subdivision, right in front of -- Hold on. Let me see the  
28 subplot number, if I can. Is that 56?

29 CHAIRMAN LINGENFELTER: So you're talking about a  
30 walking trail that would go out behind the houses and then, in

1 the open space, it would go in between the buffer between  
2 Hoose Road and lot 56?

3 MR. SMUL: Yes, it would go in the front of the  
4 house. It would actually --

5 CHAIRMAN LINGENFELTER: Connect to Canterwood Trail?

6 MR. SMUL: Yeah, there would be a trail from 59, 58,  
7 57, connecting to Canterwood Trail north of subplot 56, between  
8 56 and Hoose Road.

9 CHAIRMAN LINGENFELTER: Okay.

10 MS. GARCAR: So the entire thing is --

11 MR. SMUL: So there would be -- Oh, I am sorry.

12 MS. GARCAR: So the entire thing is right next to,  
13 parallel to Hoose Road?

14 MR. SMUL: Yes.

15 MS. GARCAR: Okay.

16 MR. SMUL: And we're not proposing any other walking  
17 trails at this time.

18 CHAIRMAN LINGENFELTER: Everybody understand that,  
19 understand where that's going to be? Okay. I want to make  
20 sure. So one walking trail and a small walking trail.

21 MR. SCHINDLER: Very small.

22 CHAIRMAN LINGENFELTER: You're not going to work up  
23 a sweat.

24 MR. SMUL: Let me see. Where was I? And then the  
25 yield plan, you know, we presented a yield plan based on the  
26 Zoning Code, which called for a conceptual plan with not  
27 involving significant engineering costs and demonstrates the  
28 proposed street layouts with a reasonable and marketable  
29 number of lots. Now, that's very up for interpretation.

30 CHAIRMAN LINGENFELTER: Right.

1 MR. SMUL: But we showed you from the engineer --  
2 We're a builder and a developer. We have built on some pretty  
3 unique lots. And building and engineering, you can pretty  
4 much almost put on anywhere.

5 Let me see what else. And I think some other  
6 concern was the stormwater management, which I could have  
7 Brian come back up here and talk about that again because it's  
8 got to go through county regulations and calculations. I  
9 think he's the expert, so I don't want to get anything wrong.

10 MR. UHLENBROCK: I guess, I can address stormwater  
11 management. Hello again. So stormwater management was  
12 discussed a lot. And as everyone was talking, I was kind of  
13 going on the map and putting dots where people were talking  
14 about drainage issues that they have. And so when I said  
15 earlier that we will have to meet the Lake County  
16 requirements, stormwater management, pre and post flows, you  
17 know, that can't be exceeded. So there is a lot of stuff that  
18 needs to happen in that regards.

19 One of the reasons why I kind of marked that is we  
20 can already see, like, from the research and the surveys that  
21 we do, kind of, where the problems areas are going to be, but  
22 hearing you guys, kind of, helps us to focus on certain areas.  
23 So when I get back to the office, this is what I give our  
24 engineer to say, "You need to focus on these areas." So we  
25 are going to do the best possible job in trying to mitigate  
26 any ill effects to you guys but, you know, the top priority is  
27 meeting the county code. But then if we can go above and  
28 beyond, we certainly will.

29 One other thing with, I think it was Paul on the  
30 phone on Isley, he was talking about the buffer and how much

1 buffer was in the, would be in the back yards. Those lots are  
2 a little bit deeper, which Jeff kind of talked about a little  
3 bit. So there's some natural buffer that will occur. When we  
4 do our grading plan, we try and limit our grading limits to  
5 the max extent practical. But our number one priority is  
6 going to be stormwater, so we will have to run either swales  
7 or storm sewers behind those lots, so we may need to clear  
8 trees in order to do that. So our priority, stormwater, but  
9 if we can keep trees there, we certainly will. So hopefully  
10 that helps.

11 CHAIRMAN LINGENFELTER: Okay. Let me see. Did I  
12 have -- Okay, yeah, you're good. All right.

13 Okay. I have, there is two memorandums that were  
14 submitted.

15 I am sorry?

16 MR. RIEBE: Can I make a couple comments?

17 CHAIRMAN LINGENFELTER: Oh, absolutely, sure.

18 MR. RIEBE: I've been sitting here so long, it's  
19 usually hard for me to sit still.

20 I'm Tom Riebe, 10210 Isley Square. Actually, this  
21 is our, has been our neighbors' properties ever since I've  
22 been -- I have moved in my house in '88, move into Concord  
23 Township in '75, so probably longer in the township than many  
24 people maybe here are.

25 Anyhow, regarding the cul-de-sac, a little  
26 disappointed that Anthony didn't remember that I had a nice  
27 conversation with him and did contact him. And our take is  
28 this. All right? We are not trying to disturb anybody's  
29 lifestyle. We are not disturb -- That's not our intent. I  
30 told him, if there is any way that we can do the temporary

1 cul-de-sac, if they would allow that to be in there, we're  
2 happy to have it as a slow-down. I'd even volunteer to make  
3 it a cul-de-sac where it wouldn't even connect if the Lake  
4 County Planning would go through it. They have their rules.  
5 We don't set the rules. If the township trustees or somebody  
6 would like to talk to the Planning Commission and make that,  
7 we're more than happy to go along. You're our neighbors.  
8 Believe me. We've been there, we've been there, I think,  
9 longer than Bill, Bill's family, I think. We bought our  
10 property from the Pages when we developed that. Okay?

11           Regarding lights, I heard a lot of things about the  
12 lights. I am going to go on record for our family saying --  
13 and this is a family operation, as you probably know -- we  
14 will eliminate the lights. If it's allowable in the township,  
15 we will eliminate them. If that makes the people unhappy, we  
16 would be happy to do that. If that -- You hear a lot of  
17 complaints.

18           And, again, we're not an antagonistic person or  
19 company. We've been part of the community a very, very long  
20 time. I've been living here since 46 years. All right?

21           The number of lots. And I heard someone, how can  
22 you build on them? I don't know how many -- Mr. Reppert, you  
23 probably built a lot of houses. We've built over 1,000.  
24 There is not one lot on the layout which is difficult to build  
25 on, A.

26           B, they think we threw together a little plan and  
27 just threw it out there. We actually entered into a contract,  
28 I believe, on the first property in September. Mr. Loxterman  
29 can verify that. I can tell you just in planning and layouts,  
30 we have over 30,000, and the planning of the overall thing we

1 have over 100,000 invested. It's none of your concern. It  
2 has nothing to do with you. We're not saying -- We did what  
3 we did. We are doing this -- And I will tell you the main  
4 reason I am doing this. Because as I said, why would I want  
5 to do a development like this? I want to tell you two  
6 reasons.

7           Number one, we've been building, as I said, for over  
8 40 years. We've built -- We build and develop over 1,000  
9 properties in the area. All right? And for the last 15  
10 years, I have a lot of friends and people because, basically,  
11 people we build for became our friends. Unlike many  
12 developers builders that -- they don't want to talk to their  
13 builders, we have a lot of people -- the one that didn't like  
14 our family and become part of the family was the unusual one.

15           So what I would say is this, having -- and Mike  
16 knows it. In fact, we went through this 20 years ago putting  
17 in Summerwood. They wanted one acre lots, which would have  
18 been clear-cut with septic. We donated 59 acres of Concord  
19 Township open area and we were told we weren't the  
20 conservative ones, the ones that rip down the trees. We're  
21 the conservative ones.

22           That said, worrying about expanding the open area,  
23 you are looking at people not as necessary retirement  
24 communities, because it's not that kind of a neighborhood,  
25 this is going to be, this is kind of a legacy and it's like my  
26 back yard, honestly. It's going to be a legacy, in that,  
27 anybody that wants to remain in the township, downsize, go  
28 into an active area, moving into a brand new neighborhood like  
29 they did in Summerwood where everybody became neighbors, all  
30 moved in together, everyone from different ages come in and

1 move into a neighborhood they can enjoy, maintenance free, and  
2 be able to go to winters in Florida and come back in the  
3 summers here and not worry about the property.

4           Why do we need the smaller lots? Well, if we did  
5 the larger lots, the maintenance factor would be cost  
6 prohibitive, potentially, for the people moving into that  
7 neighborhood. The smaller lots are conducive, which is why we  
8 went with Epcon. Epcon's been developing -- And, you know, if  
9 anyone here knows us and knows me would know that I would, we  
10 could probably, as I say, we could do as well laying out and  
11 getting house styles as they did. They have already done it  
12 and we decided to get into this thing with them only for --  
13 not only the benefit of the people, it's really a need. I  
14 mean, many, many people are becoming older. Nobody in this  
15 room but many people are getting older. All right? Those of  
16 you that are younger, one day you are going to get older. All  
17 right?

18           So it's going to represent for the people, for  
19 posterity, an area of, very unusual area dedicated, kind of,  
20 not exclusively because you can't discriminate, for people  
21 that want to have maintenance-free living and a lifestyle  
22 that's a different lifestyle. All right?

23           The other thing is, could we develop an R-1? We  
24 could not develop for all the people that want to live in that  
25 kind of area. It won't work. But I can tell you what will  
26 happen. Lake County Planning has already approved the plan.  
27 There is -- You talked to Dave Radachy, I am sure. All right?  
28 There's got to be a connection from that street somewhere.  
29 This connection is going to go out on Morley Road. So if you  
30 are worried about all the traffic coming down Hobby Horse,

1 which I hear you have all the accidents, if we were to put an  
2 R-1 development, subdivision, connect to your road back to  
3 Morley, which is where it shows -- that's where it goes --  
4 where are all the people exiting to get out onto Button Road?  
5 Every one of them is going to come through your neighborhood.

6 Now -- And I think I talked to Tony. I told him,  
7 also, I don't know anybody in his right mind -- unless he's a  
8 little confused -- that would leave that neighborhood, drive  
9 through your neighborhood, go all the way down Hobby Horse to  
10 get back to Hoose. It's much closer coming through this way.  
11 My guess is -- he didn't disagree -- some of you will be  
12 coming through there just because it's closer, potentially.  
13 And further away from Button Road and a little, probably,  
14 safer outlet, and now you have a double outlet to come out.

15 So what else? And, again, we don't want to fight  
16 with anybody. I don't know how many people are going to have  
17 a cemetery in their neighborhood. I thought state law kind of  
18 said, if it's abandoned and not being used, we would dedicate  
19 a little area and build, make a funeral, a funeral home there  
20 or -- But I am not sure why trustees would not, other than  
21 maybe try to offend somebody here. I don't know if anyone  
22 here wants to live by a cemetery.

23 We were, you know -- It's actually a state, I  
24 understand -- I haven't read the law. I know Tony Aveni, who  
25 is an esteemed attorney out here, researched it. He said  
26 there is state law saying if a, if there is nobody, no further  
27 burials going to happen at a cemetery in the township, that  
28 the township is supposed to declare it abandoned and then they  
29 just make a resolution, which I thought was in the process.  
30 And then they actually pay to move it, exhume it, the remains,



1 and put them in the cemetery so people can actually come and  
2 visit the relatives rather than walking through somebody's  
3 property, which Bill told me 30 years ago somebody did, the  
4 last time somebody's been there. The last burial there was  
5 like 1850. I've been told there is nothing there. Digging it  
6 up -- But it will still be respectfully done in a normal way.

7 So why they wouldn't want, why anybody would want to  
8 have a cemetery in the middle of a neighborhood, I don't know.  
9 The neighborhood's going to go in. The development is going  
10 to be done. All right?

11 Those, I heard somebody say, Ms. Kilfoyle, I think,  
12 worried about how -- Well, with the half acre, you are going  
13 to have housing right behind you. It will be clean. It will  
14 be cleared out and you will have a house looking at you.  
15 There will be no open area which benefits you.

16 Someone has asked, and I think in the audience, why  
17 there was not an open area to the north of the Patriarca  
18 property. Well, we want to avoid that wetlands. And to stay  
19 away from that, you have to move it in some direction. If the  
20 township allowed smaller lots, which I think Jeff discussed  
21 with a conservation group, and I think -- if they allowed  
22 that, well, then we could shift it further down and make an  
23 open area there, which was our original intent. But we want  
24 to keep everything away from the open area.

25 So in closing -- And I don't know who else. You may  
26 have questions for the engineers. All right? Having a three  
27 or four or five foot deep pond that's already silted in two or  
28 three feet -- because it's never been cleaned out -- it's  
29 nothing there. We're dredging, we're redoing a retention.  
30 And if you look down on our neighborhood where I live in Ascot

1 Farms, we're totally redoing that now. You will see all the  
2 silt and everything we threw out and cast out to put all solid  
3 material in.

4 So if you think, Mr. Reppert, that at any point in  
5 time I would build a property that wouldn't be solid and safe,  
6 you don't even know us. You don't know our reputation. We  
7 don't do that. If there is a way of doing it better, we  
8 always took that way, but we still continue to improve. All  
9 right?

10 So I don't know if you have any other questions. I  
11 mean, I don't know what else. Maybe I'll answer again. We'll  
12 forego the lights. The community is going to come in. But  
13 picture everybody living in that community driving through  
14 your neighborhood now instead of coming out the other way.  
15 And that's, that's really going -- I'm not threatening. I am  
16 just saying what is.

17 And, also, you are going to get rid of a need, a  
18 real need in the neighborhood. Everyone here is going to get  
19 to the age that they're going to want to live in one of these,  
20 potentially, not everybody. But I have so many friends that  
21 are already move out of here.

22 I think you got one from -- the pharmacist. There  
23 is people moving to Chardon Township just to find houses on  
24 slabs. And a lot of these houses are going to be slabs, also,  
25 all right, which makes it even less maintenance for the  
26 homeowner. So we have in Florida, that's all you have is  
27 slabs. We don't have it here, for some reason. But --

28 CHAIRMAN LINGENFELTER: Got to have a place to put  
29 your stuff, Tom.

30 MR. RIEBE: That's it. Well, you know what?

1 Instead of basements, what they do is they have a thing and  
2 they build them up.

3 CHAIRMAN LINGENFELTER: Right.

4 MR. RIEBE: So they have finished area there.  
5 They're really an ideal kind of community. I mean, he hasn't  
6 spoken much to it. I don't want you to take the idea that  
7 we're being defensive. What we're doing, we're really going  
8 through a lot of extra expense. I will probably move in  
9 there, you know. I'll be leaving my home on Isley and I'll  
10 sell my house. You know which house I live in. I live in the  
11 house right at the end of the cul-de-sac right in the back of  
12 the Loxterman's house.

13 Anyhow, I want to thank you. I hope some of you  
14 understand where we're coming from. We're not out to hurt  
15 anybody. I think the engineer can tell you that, if there was  
16 a lot of water discharging, quite possibly, you would have  
17 less, not more, all right, because everything is being  
18 diverted straight through, I presume. Is that correct? Am I  
19 correct or am I correct?

20 MR. UHLENBROCK: I think we will improve the  
21 condition.

22 MR. RIEBE: More than likely, it improves it, it  
23 doesn't get worse.

24 So -- And I understand everyone has concerns.  
25 You've been there anywhere from five to 20 years, some of us  
26 more, some of the old guys.

27 Other than that, all I can say is we're a good  
28 neighbor. We've always been a good neighbor. You go through  
29 Summerwood that I had hundreds of people out in arms going  
30 after that one, go through that neighborhood and see if you

1 see a nicer subdivision in Concord Township, and we like to do  
2 the same thing in this area.

3 CHAIRMAN LINGENFELTER: Thanks, Tom.

4 MR. RIEBE: Thank you.

5 CHAIRMAN LINGENFELTER: Appreciate your time.

6 MR. RIEBE: And I appreciate all your time and  
7 patience. Thank you.

8 CHAIRMAN LINGENFELTER: Yes, sir.

9 AUDIENCE MEMBER: Can we get a comments addressed?

10 CHAIRMAN LINGENFELTER: I am sorry?

11 AUDIENCE MEMBER: Can we get a couple more comments  
12 that haven't been addressed?

13 CHAIRMAN LINGENFELTER: No. We have already closed  
14 the public portion. I am sorry, but thank you. Hope you  
15 understand.

16 We do have two letters from the Lake County Planning  
17 Commission that I want to put on the record, both dated  
18 May 26. One is specifically regarding -- They're both from  
19 Dave Radachy, titled Secretary. It's regarding the District  
20 Amendment Rezoning 34.2428 acres from R-1 to R-2 RCD and the  
21 text amendments.

22 So in his comments, "The Lake County Planning  
23 Commission took under consideration the above-mentioned  
24 district and zoning text changes at their regularly scheduled  
25 meeting on Tuesday, May 25th of 2021. The Lake County  
26 Planning Commission recommended that the district amendment be  
27 made, as well as the text amendments, with the following  
28 comments and recommendation.

29 "Bullet Point 1: Recommend rezoning the 34.2428  
30 acres from R-1 Residential to R-2 RCD Residential Conservation

1 District. It is believed the property in question would be  
2 better developed as an RCD rather than a conventional R-1  
3 zoning district in order to preserve open space and sensitive  
4 areas following the township's Comprehensive Plan for the  
5 2004."

6 And then he goes on in the second bullet point to  
7 address the amendments to the zoning text.

8 And then in another letter, memorandum from the Lake  
9 County Planning Commission from David Radachy, Planning  
10 Director, he said, "I reviewed" -- This is in regards to  
11 review of the Villa's at Canterwood Estates for subdivision  
12 compliance. "I reviewed the layout of the proposed RCD. It  
13 meets Lake County Subdivision Regulations in regards to  
14 connecting the roads that were created to provide circulation  
15 to undeveloped property, block lengths, cul-de-sac lengths,  
16 intersecting with existing roads."

17 And then there are some issues with the plan.  
18 "Bullet Point 1: West cul-de-sac has an island in the middle  
19 and the east cul-de-sac is all pavement.

20 "Bullet Point Number 2: The right-of-way diameter  
21 of west cul-de-sac is too large per the subdivision  
22 regulations. It has a diameter 150 feet and max diameter is  
23 130 feet. The proposal created a land-lock parcel, Block A.  
24 This will need to be addressed."

25 The last bullet point: "'Cambridge Court' may not  
26 be available to use. There is a Cambridge Park in Mentor and  
27 Cambridge in Painesville and Willoughby Hills." So the name  
28 has to change.

29 "Staff had some concerns with having sublots 57, 58  
30 and 59 accessing Hoose Road. The three sublots are

1 disconnected from the rest of the subdivision. The owners may  
2 end up driving to the clubhouse instead of walking. They  
3 would have a front setback of 30 feet while the rest of Hoose  
4 Road has a 50 foot setback. This would put the homes closer  
5 to Hoose Road than the rest of the houses on the street."

6 So this is memorandums. I'd like those entered into  
7 the record.

8 Any comments in the Zoning Commission at this point,  
9 Hiram?

10 MR. REPERT: None.

11 CHAIRMAN LINGENFELTER: Ashley?

12 MS. GARCAR: None.

13 CHAIRMAN LINGENFELTER: Frank?

14 MR. SCHINDLER: No. I have heard enough.

15 CHAIRMAN LINGENFELTER: Okay. I would like to just  
16 address a couple things. There was some items that were  
17 brought up from many of the residents with regards to the  
18 temporary cul-de-sac that is in -- is on Canterwood Trail. I  
19 understand the consternation that creates when we're looking  
20 at pushing a street through. But as a rule of thumb, when you  
21 buy a house on a street and there is woods at the end of the  
22 street, it's not a cul-de-sac, it's a stub street. Okay?

23 You can create a big circle and you can let the kids  
24 play there all you want but, at the end of the day, if there  
25 are no homes at the end of the street, it's not a cul-de-sac,  
26 it's a stub street, and that's designed that way. At some  
27 point in time in the future, there is going to be a street  
28 that's going to be cut through and it's going to join to  
29 another parcel of property and it's going to be for access.

30 And we went through the same exact issue on Keystone

1 not that long ago. Keystone Ridge had an issue where they  
2 had, at the end of the road, it was a stub street that went  
3 into Nancy Ann and the rest of the development behind them.  
4 But they basically opened it up and kind of created a cul-de-  
5 sac out of it and it was that way for a number of years, but  
6 it wasn't a cul-de-sac. It doesn't fit the legal description  
7 of a cul-de-sac. It's a stub street.

8           And you have to understand that and I know that's  
9 difficult because it was there and that's the way it was.  
10 But, unfortunately, if there is no houses at the end of the  
11 street to prevent a road from going through, that means it's  
12 not a cul-de-sac. If there were homes there, then it's a  
13 cul-de-sac. Otherwise, it's a stub street and, at some point  
14 in time, whether it's in 1955 or it's in 2022 or '21, it's  
15 going to be a street. It's going to be a through street.  
16 And, unfortunately, that's the way the rules operate.

17           And I understand why people would be concerned about  
18 that but that doesn't make, developing it into a cul-de-sac  
19 make it a cul-de-sac. It's still a stub street. At some  
20 point in time, it's going to go through and you have to  
21 understand that. And I am sorry that that happens but it  
22 does, and it's not the first time this has occurred in the  
23 township or that this has happened. So --

24           And I think it's -- And I kind of covered this when  
25 we talked about the intention behind the RCD and the R-1. You  
26 know, I understand that nobody likes to see development,  
27 especially when it is directly impacting your properties when  
28 there's a big parcel of property that's going to be developed.  
29 I understand it's a problem and it creates a lot of angst.  
30 But, unfortunately, you know, with the way that we have things

1 set up in the township, this gives us an opportunity to sit  
2 down and actually steer the developer in a direction we would  
3 like them to go versus the developer just coming in and just  
4 putting in a traditional R-1 development.

5 And I guess, when you leave here tonight, you have  
6 to ask yourself, what would you rather have? Would you rather  
7 have a development that enables you an opportunity to give  
8 some input and have some open and true, honest discussions  
9 with the developer and maybe have an impact on some final  
10 decisions that are made or do you want to just get a  
11 traditional R-1 development and get what you get, whether  
12 you're happy with it or not?

13 And that's the way I look at it. I look at it as,  
14 this is an opportunity. Because you know what? The property  
15 is going to be developed. Okay? Whether you like it or not,  
16 it's going to be developed. Unless you want to all pull  
17 together, pull your funds together and buy it outright, maybe  
18 you can do that and you can leave it as a horse farm. I don't  
19 know. But that's usually not a realistic outcome to these  
20 kind of situations.

21 So the alternative is to basically try to have some  
22 input, take an approach of, okay, it's going to be developed.  
23 So maybe now we have an opportunity to put some input into how  
24 it goes and the way it looks and some of the things that are  
25 done.

26 And there are some things I'd like to see. I would  
27 like to see, you know, even though it's not a part of our  
28 zoning text at this point in time, I would really like to see  
29 the two lots that are buffering the existing Canterwood Trail  
30 property, lots 24 and, I think -- what is it -- 24 and 25, I



1 would like to see those lots eliminated. I would like to see  
2 a buffer. I would like to see some open space between the  
3 transition from Canterwood Trail as it sits today and the new  
4 development that's going in. I would love to see those lots  
5 just left as open space.

6 Now, I know it's a sacrifice of two lots and I  
7 understand that costs money and that's important. But we're  
8 also transitioning into a development, from an existing  
9 development of people that have owned homes for decades into a  
10 new development and it would be nice to have a little bit of  
11 separation there.

12 Now, does that mean that we have to completely  
13 eliminate those lots? I don't know. Maybe we can, they  
14 are -- You did design them bigger so we can put traditional  
15 lots or traditional homes on those two lots, actually, three  
16 lots there. Maybe we can rearrange them a little bit to  
17 shorten them up and, at least, put some sort of separation  
18 between the existing homes that are on Canterwood Trail moving  
19 into the new development.

20 I think, overall, I think it's a great idea. I  
21 think it's a great plan. I think there is a lot of positives  
22 that can be derived from this. I've been in the township for  
23 a long time. I've had experience with the Riebe family and  
24 doing developments. They do quality work. You can't deny  
25 that.

26 And I believe Tom when he says that he wants to be a  
27 good neighbor. So -- And I believe that he's trying to put  
28 together what he feels is in the best interest of the  
29 community here and I hope that this is all going to turn out  
30 the way that we think it will.

1           And you know what? Quite frankly, with regards to  
2 the lot of water movement, things that go on, believe it or  
3 not, sometimes developments actually address some of those  
4 issues and correct some of the water problems. They don't  
5 always create more problems. Sometimes they actually, through  
6 the development and the grading and the things that go on with  
7 the retention ponds and things that happen, it actually  
8 improves the water situations that are out there and takes  
9 away some of the issues that are going on, some of the  
10 concerns that people have. Not to say that that's guaranteed  
11 to happen. That's not a guaranteed outcome. We really don't  
12 know.

13           When I moved into my home in Summerwood, you know, I  
14 was, I think, the second house in. And, you know, we had no  
15 issues, we had no problems with water. We had, you know, it  
16 was a pretty straightforward, you know, situation. Then they  
17 started building down Summerwood and the people that moved  
18 into those houses on Summerwood, they put French drains with  
19 pop-ups in the back of their lots and they took the rain out  
20 of their gutters and they piped it through to the back of  
21 their lots and that water, all of the sudden, I have a lake  
22 now that sits between my house and my storage barn. It's,  
23 literally, you can walk in there. You have to wear your  
24 waders to go in.

25           And that was never there before those houses were  
26 developed and those people put those French drains in with  
27 those pop-ups. What can I do about it? Nothing. I deal with  
28 it. You know what I did? I had a French drain put in. I had  
29 a guy come out, an excavation company, and they dug a trench  
30 and they put in a French drain. It drains the water out of

1 that lake towards the street and now I don't have the water  
2 issue that I used to have.

3           So, you know, sometimes things happen. And I don't  
4 think anybody, I don't think the neighbors that put those  
5 pop-up drains, they didn't have -- they didn't do that with  
6 the intent to flood my back yard. They didn't. They were  
7 just trying to deal with water on their property and,  
8 unfortunately, it ended up coming my way, but those are the  
9 things that happen. And I understand people have concerns  
10 about that and there is no doubt that water creates a lot of  
11 those issues. And we are putting in driveways and we're  
12 putting in roofs and there's impervious surfaces and all sorts  
13 of things that are going to happen.

14           And I just hope that, you know, that's the reason  
15 why they spend the money that they do to do the engineering  
16 work and the, the studies and looking at the grades and all  
17 that stuff and they try to do the best that they can to avoid,  
18 you know, putting those types of things in and putting your  
19 property values in peril. So I hope that the Riebe family  
20 will follow through with that and do the things that they say  
21 they are going to do.

22           I don't really have much of a concern on the lakes,  
23 the two ponds. I mean, they were man-made. They weren't  
24 there before and they're not going to be there now. So what?  
25 They're going to go away and that's just the way it is. And  
26 they're going to replace it with, hopefully, with materials  
27 that are going to make it buildable and people aren't going to  
28 have issues. So --

29           But, you know, I think there is a lot of positives  
30 with this development. I think there is, if we looked at the

1 RCD, the yield plan and the way the R-1 was put in, I think  
2 we'd have a lot more issues we would be dealing with, folks.  
3 I think we'd have a lot more issues, I really do. And I think  
4 this is a good, I think this is a good solution for us.

5 So with those comments, anybody else have any other  
6 comments?

7 MR. REPPERT: No, sir.

8 CHAIRMAN LINGENFELTER: Hiram?

9 MR. REPPERT: No.

10 CHAIRMAN LINGENFELTER: Ashley?

11 MS. GARCAR: No.

12 CHAIRMAN LINGENFELTER: Frank, any other comments?

13 MR. SCHINDLER: I was just going to build on that,  
14 that the reason we have public hearings not only for you  
15 people to be here and give us your input but, also, the  
16 developers themselves might be here to hear your input  
17 because, from here, it's going to go to the trustees. And  
18 many times a good developer, hearing what the concerns are,  
19 try to address it from when they have the hearing with the  
20 trustees. So that might be taken care of when you people are  
21 there and go through the hearing that the trustees will have.  
22 So look at that as a positive. That's all I want to say.

23 CHAIRMAN LINGENFELTER: The door, you know, this is  
24 not a final decision. Okay? What we decide tonight, whether  
25 it's in favor of or opposed to, this is not a final decision.  
26 There will be another public hearing with the trustees after  
27 this. You will have an opportunity to come in. And there  
28 are -- And between those two times, there is time, I think,  
29 for you to get together and request an audience with the  
30 developers if you have some additional ideas or things that

1 you would like to see. I think it's a good opportunity to  
2 have dialogue. Conversations, meeting, dialogue is what's  
3 important.

4 It's not, you know, to just kind of shut the door  
5 and turn our backs and not have a dialogue is a mistake.  
6 There's an opportunity here between now and the trustees'  
7 meeting to have some further conversations and I think it's a  
8 good opportunity for everybody to get their concerns laid out  
9 and have those issues addressed, and I would encourage you to  
10 do that.

11 I don't think that the Riebes and the developers  
12 are -- They're not difficult people. They're not going to  
13 deny you the opportunity to sit down and chat. And I know  
14 they wouldn't be here tonight if they didn't want -- They  
15 wouldn't put themselves through this if they didn't feel this  
16 was a good idea, because this is a voluntary thing that  
17 they're doing. They didn't have to do this. They could have  
18 just went to the Lake County Planning Commission with an R-1  
19 development and put it in and that would have been the end of  
20 it.

21 So I think the fact that they put themselves through  
22 this and put themselves out there and allow people to make the  
23 comments that they do, I think, there is a lot of value to  
24 this process, I really do. And I see and I am glad that you  
25 all came here tonight to make these comments for us to listen  
26 to.

27 So with that said, I would like to close the public  
28 hearing, so we will consider this hearing closed.

29 Okay. We can vote tonight if I get -- I would like  
30 to entertain a motion in the affirmative and then we can vote

1 this evening if you would like to do that.

2 MR. REPPERT: Go ahead, Frank.

3 CHAIRMAN LINGENFELTER: The motion must be in the  
4 affirmative.

5 MR. SCHINDLER: You speak louder than I do.

6 MR. REPPERT: Mr. Chairman, I make a motion that we  
7 approve the yield plan and the overall preliminary plan for --  
8 what is it -- Canterwood, Canterwood Estates or whatever,  
9 Canterwood Estates, Canterwood Villas.

10 MR. LUCAS: If I may make a suggestion,  
11 Mr. Chairman.

12 CHAIRMAN LINGENFELTER: Yes.

13 MR. LUCAS: To assist in the motion, if you just  
14 look at enumerated 2 of the agenda, it describes what is  
15 subject to the approval at the beginning of it. So it would  
16 be my suggestion to simply say, "Motion to approve the Zoning  
17 Amendment Application 2021-1," et cetera, "requesting a Zoning  
18 Resolution map amendment," which was not made in the motion,  
19 "and the preliminary plan approval."

20 CHAIRMAN LINGENFELTER: Right.

21 MR. LUCAS: Just a suggestion.

22 CHAIRMAN LINGENFELTER: Hiram, would you like to  
23 take another stab at that?

24 MR. REPPERT: I will do so. Mr. Chairman, I make a  
25 motion that we approve Zoning Amendment Application Number  
26 2021-1, by ALM Lake Properties LLC, requesting a Zoning  
27 Resolution Map amendment and Preliminary Plan approval for the  
28 current zoning district of R-1, Residential to R-2,  
29 Residential Conservation Development.

30 CHAIRMAN LINGENFELTER: Okay. I have a motion made.

1 Second?

2 MR. SCHINDLER: I second.

3 CHAIRMAN LINGENFELTER: Frank seconds. We have a  
4 motion made and seconded.

5 Heather, would you like to call the roll?

6 MS. FREEMAN: Thank you. Ms. Garcar?

7 MS. GARCAR: Yes.

8 MS. FREEMAN: Mr. Reppert?

9 MR. REPPERT: Yes.

10 MS. FREEMAN: Mr. Schindler?

11 MR. SCHINDLER: Yes.

12 MS. FREEMAN: Mr. Lingenfelter?

13 CHAIRMAN LINGENFELTER: Yes.

14 I have four yeas, no nays, no abstentions. The  
15 preliminary plan approval has been granted.

16 MR. LUCAS: Well, it's been recommended.

17 MS. FREEMAN: Yeah, recommended.

18 CHAIRMAN LINGENFELTER: Pardon me?

19 MR. LUCAS: It's been recommended.

20 CHAIRMAN LINGENFELTER: Yeah, recommended, I should  
21 say. It's been recommended.

22 We will take a brief recess while the room clears.

23 (Brief recess.)

24 CHAIRMAN LINGENFELTER: Okay. We're going to  
25 reconvene now that the room is empty. We still have a couple  
26 things left on the agenda this evening. I think we can -- We  
27 will slide the work session for possible zoning text  
28 amendments related to Residential Conservation Development  
29 district and outside dining, we will move that because it's,  
30 you know, we're already at 10:30 and I would like to try to

1 get home here at a reasonable time.

2 MR. LUCAS: Keep going.

3 CHAIRMAN LINGENFELTER: Do you want me to just plow  
4 through it, Mike? We can do it.

5 MR. LUCAS: You know, this isn't an easy job. I  
6 don't know if you've heard that.

7 CHAIRMAN LINGENFELTER: All right. So we will  
8 slide the Item Number 3 on the agenda, the work session, we  
9 will side that to next month's Zoning meeting, regularly  
10 scheduled Zoning meeting. We will pick that up then because  
11 this, we definitely have some more discussion to do on that  
12 and we've got some more work to do, so we will move that to  
13 next month.

14 The next item on the agenda is Item Number 4,  
15 approval of the minutes of the May 4th Zoning Commission  
16 meeting. Can I get a motion?

17 MS. GARCAR: Mr. Chairman, I make a motion to  
18 approve the May 4th minutes.

19 CHAIRMAN LINGENFELTER: Whoa.

20 MS. GARCAR: For the Zoning Commission for May 4,  
21 2021.

22 CHAIRMAN LINGENFELTER: You are jumping in. Good  
23 for you.

24 MS. GARCAR: As written.

25 CHAIRMAN LINGENFELTER: As written, no less.

26 MS. GARCAR: Yes.

27 CHAIRMAN LINGENFELTER: Okay. Do I have a second?

28 MR. SCHINDLER: Second.

29 CHAIRMAN LINGENFELTER: Seconded. All in favor say  
30 aye. Opposed? Any abstentions?



1 (Four aye votes, no nay votes.)

2 CHAIRMAN LINGENFELTER: Okay. Motion carries. The  
3 minutes are approved.

4 Item Number 5, Correspondence Report by the Zoning  
5 Commission members. Hiram, any comments?

6 MR. REPERT: I've had no contact whatsoever.

7 CHAIRMAN LINGENFELTER: Okay. Ashley?

8 MS. GARCAR: None.

9 CHAIRMAN LINGENFELTER: Frank?

10 MR. SCHINDLER: None, Mr. Chairman.

11 CHAIRMAN LINGENFELTER: No.

12 I had a couple phone calls regarding the issue that  
13 that was in front of us this evening but nothing of any major  
14 consequence, just a couple residents calling up to ask a few  
15 questions, voice a couple concerns but nothing other than  
16 that. So other than that, nothing for me.

17 Audience participation, they all left. They had  
18 their participation for tonight. I guess they got their, they  
19 got their fill.

20 Morgan, did you want to say something?

21 MR. McINTOSH: I don't think I am technically  
22 audience.

23 CHAIRMAN LINGENFELTER: All right. The next meeting  
24 of the Zoning Commission will be July 6th.

25 MR. REPERT: Geez, July.

26 CHAIRMAN LINGENFELTER: And if there is nothing new  
27 that we can discuss or any additional things to be put on the  
28 agenda, we will --

29 MR. REPERT: Gavel it.

30 CHAIRMAN LINGENFELTER: We will adjourn the meeting.

1 Thanks, everybody. Appreciate your hard efforts.

2 (Whereupon, the meeting was adjourned at 10:24 p.m.)

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1 STATE OF OHIO )  
2 COUNTY OF CUYAHOGA )

CERTIFICATE

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

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

14 I do further certify that I am not a friend,  
15 relative, or counsel for any party or otherwise interested  
16 in the outcome of these proceedings.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and affixed my seal of office this 28th day of June 2021.

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Melinda A. Melton  
Melinda A. Melton  
Registered Professional Reporter

Notary Public within and for the  
State of Ohio

My Commission Expires:  
February 4, 2023

