

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
REGULAR MEETING

Meeting held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

August 3, 2021
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Andy Lingenfelter, Chairman
Rich Iafelice, Vice Chairman
Frank Schindler, Member
Hiram Reppert, Member
Rich Peterson, Member

Also Present:

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

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

1
2 CHAIRMAN LINGENFELTER: Good evening. I would like
3 to call this Concord Township Zoning Commission meeting,
4 Tuesday, August 3rd, to order. We have a number of items on
5 the agenda this evening, so we will get right to it.

6 Under New Business, Item Number 1 on the agenda is a
7 Site Plan Review Application 044 by Big Creek Veterinary
8 Hospital Land Holdings LLC for a proposed building addition
9 located at 11743 Girdled Road. We have a revised staff
10 report, everything is in order. We have all the information
11 here. We have quite a bit of documentation and everything.

12 So what I would like to do is call the applicant to
13 the podium, introduce yourself, please state your name and
14 address for the record, and then feel free to give us your
15 presentation. Do you need an easel or anything?

16 MR. KLINE: No. You have the information --

17 CHAIRMAN LINGENFELTER: Okay.

18 MR. KLINE: -- right in front of you.

19 CHAIRMAN LINGENFELTER: Sure.

20 MR. KLINE: My name is Larry Kline. I am the
21 representative for the owners of Big Creek Veterinary
22 Hospital. 10640 Wyntree Drive in Concord, Ohio, is my
23 address.

24 CHAIRMAN LINGENFELTER: Okay.

25 MR. KLINE: As you see, we're proposing to add four
26 exam rooms onto the east side of the building and a separate
27 exit onto the west side of the building. It's pretty
28 straightforward, actually. We learned during COVID that
29 having separate entrance and exits really helped keep people
30 separated, and as well as the pets. If you have a German

1 shepherd and a little, small dog trying to go in and out at
2 the same time, everybody has to wait and stay back. So the
3 idea of having the separate entrance came to light and that's
4 why the exits were requested.

5 CHAIRMAN LINGENFELTER: Is there any additional
6 information you would like to provide the Board at this point?

7 MR. KLINE: I don't think so, unless you need it.

8 CHAIRMAN LINGENFELTER: Okay. All right. Anybody
9 have any questions for the gentleman? Hiram?

10 MR. REPERT: I have a few comments.

11 CHAIRMAN LINGENFELTER: Okay. Please, please
12 indulge.

13 MR. REPERT: Okay. In the, in the form, it states
14 that you should provide why the proposed site plan is being
15 developed. You are doing this because of increased traffic?

16 MR. KLINE: The need for efficiency within the
17 hospital is why they want to add the exam rooms on. They're
18 not adding employees but they want to be able to bring more
19 clients into the exam rooms rather than waiting in the waiting
20 room. They can see more people at the end of the day that
21 way, rather than making them wait.

22 MR. REPERT: Okay. In looking through the septic
23 inspections, a lot of them say, "Is the wiring diagram in the
24 control panel?" and it's checked "no" all the way through.
25 Can we get the wiring diagram into the control panel?

26 MR. KLINE: Sure.

27 MR. REPERT: Okay. It's not that big of a deal.

28 MR. KLINE: I have no idea why it's not in there.

29 MR. REPERT: Well, I don't either.

30 MR. KLINE: It was built 12 years ago, so maybe

1 somebody removed it. I have no idea.

2 MR. REPERT: And then the Lake County General
3 Health District comments was, "Add screws to the tank lids
4 during next service."

5 MR. KLINE: Okay.

6 MR. REPERT: Okay. So let's get on Lake County
7 General Health.

8 Now, the last one and mostly, probably, the one most
9 important, on your A0.1 diagram where you show the addition
10 and the separate exit, it shows an egress arrow to come out
11 the entrance. I just question that. You made the separate
12 exit. Why don't we utilize that exit to go out?

13 MR. KLINE: That is the intent. What it says on the
14 drawings, I'm not --

15 MR. REPERT: But yet I really didn't see a clear
16 path to go out, from the interior exam rooms to go out the
17 exit but --

18 MS. FREEMAN: Here is the sheet.

19 MR. REPERT: I am sure you'll figure it out but I
20 just wanted to make sure you were aware.

21 MS. FREEMAN: What sheet?

22 MR. KLINE: That's the fire exit.

23 MR. REPERT: A0.1.

24 MR. KLINE: That's a fire exit. That's a fire plan.

25 MR. REPERT: That's a fire plan.

26 MR. KLINE: That's in case of emergency.

27 MR. REPERT: Okay.

28 MR. KLINE: They can get out that way.

29 MR. REPERT: So you can get out any, any way you
30 can.

1 MR. KLINE: In case of emergency, you can go out any
2 which way you can, but the dedicated exit is going to be
3 through the north new vestibule -- I am sorry -- the west
4 vestibule.

5 MR. REPPERT: The west, okay, all right.

6 MR. KLINE: That's going to be the dedicated exit.
7 So what you are looking at is a fire code plan.

8 MR. REPPERT: Does it tell me that?

9 MR. KLINE: It says "First Floor Code Plan."

10 MR. REPPERT: Okay, all right. I am good,
11 Mr. Chairman. I am good.

12 CHAIRMAN LINGENFELTER: Thank you.

13 Frank, any questions?

14 MR. SCHINDLER: Just as long as I know you're going
15 to meet all the requirements that the engineers and Lake
16 County requires you, and the township.

17 MR. KLINE: Oh, of course.

18 MR. SCHINDLER: And that there hasn't been any
19 discrepancies or anything that have come up that you feel
20 uncomfortable with?

21 MR. KLINE: No, no.

22 MR. SCHINDLER: Okay.

23 MR. KLINE: It's a pretty straightforward, simple
24 project.

25 MR. SCHINDLER: I figured it would be since it's
26 already been built already and you're just adding to it.

27 MR. KLINE: We were the original contractors to
28 build the building, so we know it very well.

29 MR. SCHINDLER: Gotcha.

30 MR. KLINE: And they were actually my veterinarian

1 when I had a dog, so I have been in there multiple times,
2 yeah.

3 MR. SCHINDLER: Well, thank you.

4 CHAIRMAN LINGENFELTER: Anything else, Frank?

5 MR. SCHINDLER: No.

6 CHAIRMAN LINGENFELTER: Okay.

7 Mr. Iafelice?

8 MR. IAFELICE: Thanks, Mr. Chairman.

9 Like you said, it's fairly straightforward. My only
10 comment is just an observation. The grade drops off on the
11 west side.

12 MR. KLINE: Correct.

13 MR. IAFELICE: Building Addition Number 2. You
14 don't envision any type of retaining wall?

15 MR. KLINE: No. It doesn't drop off until you get
16 towards --

17 MR. IAFELICE: Until you get towards the --

18 MR. KLINE: -- towards the detention pond, yeah,
19 towards that north.

20 MR. IAFELICE: I thought so.

21 MR. KLINE: The area up front where we are putting
22 the new vestibule is actually pretty flat. The only thing
23 we're going to disturb is one beech tree that's there and
24 we'll relandscape after we're finished.

25 MR. IAFELICE: That's was it, Mr. Chairman. It's
26 fairly straightforward.

27 CHAIRMAN LINGENFELTER: Mr. Peterson?

28 MR. PETERSON: Everything looks fine to me,
29 Mr. Chairman.

30 CHAIRMAN LINGENFELTER: Okay, all right. Yeah,

1 looking at the staff report, it's a pretty clean staff report.
2 I don't see a whole lot of comments. I don't see any
3 conditions or anything else like that at this point. The
4 staff recommends approval of the site plan review application.

5 Lake County Stormwater Management Department did
6 submit an email dated July 22nd of 2021. They noted a couple
7 of items on there but, from your comments, I understand you
8 have no problem meeting those requirements and taking care of
9 that stuff. So I don't think we have any other questions at
10 this point. We appreciate you coming up and making your
11 presentation, as brief as it was.

12 MR. KLINE: Thank you very much.

13 CHAIRMAN LINGENFELTER: Yep.

14 Any discussion on the Board on this application?

15 No.

16 MR. REPPERT: None here.

17 CHAIRMAN LINGENFELTER: At this point, I would
18 entertain a motion to the affirmative for the site plan review
19 application.

20 MR. PETERSON: Mr. Chairman, I make a motion we
21 conditionally approve Application 044 as presented.

22 MS. FREEMAN: Excuse me, Mr. Peterson, not a
23 conditional approval but just an approval.

24 MR. PETERSON: Full approval?

25 MS. FREEMAN: Yeah, staff is recommending approval.

26 MR. PETERSON: Isn't not subject to the Trustees?

27 MS. FREEMAN: No, this is not going to the Trustees.

28 MR. PETERSON: Okay. Then I will amend that, full
29 approval as presented.

30 CHAIRMAN LINGENFELTER: Okay.

1 MR. IAFELICE: I will second that motion,
2 Mr. Chairman.

3 CHAIRMAN LINGENFELTER: Okay. We have a motion made
4 and seconded. Heather, would you call the roll, please?

5 MS. FREEMAN: Yes. Mr. Reppert?

6 MR. REPERT: Aye.

7 MS. FREEMAN: Mr. Schindler?

8 MR. SCHINDLER: Yes.

9 MS. FREEMAN: Mr. Lingenfelter?

10 CHAIRMAN LINGENFELTER: Yes.

11 MS. FREEMAN: Mr. Iafelice?

12 MR. IAFELICE: Yes.

13 MS. FREEMAN: Mr. Peterson?

14 MR. PETERSON: Yes.

15 MS. FREEMAN: You have approval.

16 CHAIRMAN LINGENFELTER: Okay, we have five ayes,
17 one, two, three, four, five, yeah, five ayes, no nays, no
18 abstentions. Motion passes and the approval has been granted.

19 (Five aye votes, no nay votes.)

20 CHAIRMAN LINGENFELTER: Thank you for coming in,
21 appreciate your time. It's nice to have a nice, clean
22 presentation.

23 MR. KLINE: Thank you. I appreciate that.

24 CHAIRMAN LINGENFELTER: Not a lot of discussion.
25 It's very helpful. We appreciate it.

26 MR. KLINE: Thank you.

27 CHAIRMAN LINGENFELTER: Yep.

28 MR. PETERSON: Nice job.

29 CHAIRMAN LINGENFELTER: Okay. Moving on, Item
30 Number 2 on the agenda under New Business is a Site Plan

1 Review Application 045, by Accurate Landscaping, Inc., for a
2 proposed new building located at 7291 Ravenna Road.

3 Is the applicant present?

4 MR. JACKSON: Yes.

5 CHAIRMAN LINGENFELTER: Would you like to come up to
6 the podium, sir? Please state your name and address for the
7 record and please feel free to give us your presentation.

8 MR. JACKSON: My name is Tim Jackson, address is
9 7290 Ravenna Road, and I am the owner of Accurate Landscaping.

10 CHAIRMAN LINGENFELTER: Okay.

11 MR. JACKSON: I guess, as far as the presentation,
12 we're looking to be able to warehouse our equipment that we
13 have. Through the years, we've expanded a little bit and it
14 is time to put everything under doors or under roof. Getting
15 older and don't want to fight the winters no more, to be
16 truthful.

17 The office building that we currently use as an
18 office building will be removed and we're going to build new
19 offices in the new building. I guess, other than that, I
20 don't know what else to say.

21 CHAIRMAN LINGENFELTER: Would you like -- Did you
22 see the revised staff report?

23 MR. JACKSON: Yeah, yeah.

24 CHAIRMAN LINGENFELTER: Okay. Would you care to
25 address some of the issues, because we've got a number of
26 comments and stipulations and some conditions and things of
27 that nature from the, from a number of entities. So if you
28 could please respond to those, that would be helpful.

29 MR. JACKSON: Okay. So it says "Revise the
30 architectural plans." On page -- There is a wall for the

1 first one. It's the lighting plan on page -- There is a
2 lighting plan on here. On E-1 it shows the lighting plan of,
3 on exterior lights, there will be a light at the top of each
4 man door and then in the rear to match. There will be three
5 lights in the rear, two on the south side and two on the north
6 side.

7 CHAIRMAN LINGENFELTER: Okay. So let me help you
8 out with zoning staff comments. We'll just run right down the
9 list. Okay?

10 MR. JACKSON: Okay.

11 CHAIRMAN LINGENFELTER: We'll address each one.

12 MR. JACKSON: I'm new to all this, man.

13 CHAIRMAN LINGENFELTER: Right. And you go ahead --

14 MR. JACKSON: First and last time I ever want to do
15 this.

16 CHAIRMAN LINGENFELTER: I don't want you to struggle
17 and I don't want you kind of sifting through stuff there.

18 MR. JACKSON: I gotcha.

19 CHAIRMAN LINGENFELTER: We'll go right to it and
20 kind of run through this.

21 Under the Zoning Staff Comments, which is Section
22 Number II of the staff report, under the question, "Does the
23 project meet the site plan review criteria outlined in
24 Section XXXVI" -- my Roman numerals are still there. How
25 about that? I feel pretty good about that. My grandson would
26 be impressed.

27 Item Number 1, "Data block shall be updated to
28 include: number of buildings, number of stories, proposed
29 uses, building spacing, and parking area." Are you okay with
30 that?

1 MR. JACKSON: Yep.

2 CHAIRMAN LINGENFELTER: Okay. Item Number 2,
3 "Revise Architectural plans to show the height of the wall
4 mounted lights on the building. The maximum height allowed
5 for lights on buildings with height of less than 50 feet is 14
6 feet. A detail and specification sheet for the wall mounted
7 lights shall be submitted." You okay with that?

8 MR. JACKSON: Absolutely.

9 CHAIRMAN LINGENFELTER: Okay. "Number 3. Show
10 traffic flow pattern on the site plan."

11 MR. JACKSON: That one is challenging, I guess. We
12 only have three employees. Well, we have six employees total
13 but three job report everyday, three go to the shop. To make
14 a traffic pattern, can we just make one up? Because there is
15 three trucks that come in and three trucks that go out, you
16 know. It's not like, it's not like we're -- I don't know -- a
17 Walgreens where there is going to be a flow pattern because
18 there is really not a flow pattern to it, if that makes sense.

19 CHAIRMAN LINGENFELTER: Heather, can you give him a
20 little bit of guidance on what maybe he needs to do to comply
21 with that?

22 MS. FREEMAN: Sure. I guess, like at each point of
23 ingress/egress, is it the intention, you know, for it to be in
24 and out traffic? You know, just have your engineer or your
25 surveyor show, you know, on the plan, you know, if it's in and
26 out with arrows, you know, and --

27 MR. JACKSON: Because there wouldn't be, like, it
28 wouldn't be like we came in on the south and go out the north.

29 MS. FREEMAN: Right.

30 MR. JACKSON: It will be whatever.

1 CHAIRMAN LINGENFELTER: Right.

2 MS. FREEMAN: So that's what we want to see on the
3 plans is how traffic would come onto the property.

4 MR. JACKSON: Okay.

5 CHAIRMAN LINGENFELTER: I think if you were probably
6 run this by your architect, I'm sure he'd probably have ---

7 MR. JACKSON: They did the traffic study just to make
8 sure we could turn our semis around.

9 CHAIRMAN LINGENFELTER: Right.

10 MR. JACKSON: That was the main thing. Before, we
11 used to back in off the road.

12 CHAIRMAN LINGENFELTER: Right.

13 MR. JACKSON: So if it was between 3:00 and 6:00,
14 you were crossing your fingers hitting the stop light making
15 sure no one was coming southbound.

16 CHAIRMAN LINGENFELTER: Right.

17 MR. JACKSON: You know, so the whole point of this
18 moving the bins to the back is we'll be able to come in north
19 and south, turn around back there and park.

20 CHAIRMAN LINGENFELTER: Okay.

21 MR. JACKSON: Instead of having to back in off the
22 road.

23 CHAIRMAN LINGENFELTER: Okay. Have a conversation
24 with your architect and the drawings and make sure that we can
25 get a specific --

26 MR. JACKSON: Okay.

27 CHAIRMAN LINGENFELTER: I am sure he understands
28 what he needs to do. Make sure that's added to your plan.
29 Okay?

30 MR. JACKSON: Okay.

1 CHAIRMAN LINGENFELTER: "Label access drive width on
2 the site plan." Okay with that?

3 MR. JACKSON: Yep.

4 CHAIRMAN LINGENFELTER: All right. "Show the
5 existing sign location on the plans."

6 MR. JACKSON: Yeah.

7 CHAIRMAN LINGENFELTER: You okay with that?

8 MR. JACKSON: Yeah. Now, my question for that one
9 would be, before I started all this, it used to be two
10 parcels, 7291 and 7295. I have joined them to meet the zoning
11 requirements as far as setbacks and that. And, at this time,
12 we had two signs because there is two parcels. So how would
13 that work? Right now, we don't have a sign plan.

14 MS. FREEMAN: How many signs are up currently?

15 MR. JACKSON: Two.

16 MS. FREEMAN: They're both up?

17 MR. JACKSON: Um-hum.

18 MS. FREEMAN: I thought one of them was down.

19 MR. SCHINDLER: Well, if you combined the parcels
20 together, would you need two signs? Would one be sufficient?

21 MR. JACKSON: It doesn't really -- I mean, I am just
22 asking how you would want it. It doesn't really matter
23 because, at this time, I don't know that we're going to do any
24 signs.

25 MR. SCHINDLER: Are there signs in your company?

26 MR. JACKSON: No, probably no signs right now.

27 MS. FREEMAN: Are you making changes to the signs or
28 you're just leaving them as is?

29 MR. JACKSON: As is for now.

30 MS. FREEMAN: So show us where they are on the site.

1 MR. JACKSON: Okay.

2 CHAIRMAN LINGENFELTER: You okay with that?

3 MR. JACKSON: Yep.

4 CHAIRMAN LINGENFELTER: All right. You taking
5 notes?

6 MR. JACKSON: Yep.

7 CHAIRMAN LINGENFELTER: Good. All right. Number 6,
8 "The overhead doors for the proposed building shall be shown
9 on the site plan."

10 MR. JACKSON: Okay.

11 CHAIRMAN LINGENFELTER: Okay with that?

12 MR. JACKSON: Absolutely.

13 CHAIRMAN LINGENFELTER: All right. And Number 7,
14 "Revise construction timeline to include all aspects of the
15 project, including but not limited to demolition of existing
16 building, and installation of landscaping." Are you able to
17 provide a timeline for that?

18 MR. JACKSON: Absolutely.

19 CHAIRMAN LINGENFELTER: Okay.

20 MR. JACKSON: Now, a question for that would be --

21 CHAIRMAN LINGENFELTER: Yes.

22 MR. JACKSON: So we're going to start, hopefully, in
23 a couple weeks to build the new one. They're telling us that
24 we should be done through end of winter, you know, the
25 building should be done by November 15th and then the balance
26 of inside. Now, as far as demolition of that building, we
27 don't want to do the demolition until, obviously, we are in
28 the new one.

29 If there is a time, you know, should I give myself
30 more than adequate time or is a timeline that's pretty

1 stringent that it's got to be within a couple weeks? I don't
2 know how that works. I just want to make sure that I am not
3 having to ask forgiveness later, you know. I just want to
4 make sure I give enough. Is there a time restriction?

5 MS. FREEMAN: There is some restrictions on, you
6 know, when the landscaping has to be installed upon completion
7 of the project. So, I mean, the time -- Obviously, we
8 understand that things --

9 MR. JACKSON: I gotcha.

10 MS. FREEMAN: -- can change as far as the timing of
11 your project but we need to have an understanding of what your
12 intentions are.

13 MR. JACKSON: Okay.

14 CHAIRMAN LINGENFELTER: Okay?

15 MR. JACKSON: Yep.

16 CHAIRMAN LINGENFELTER: Since you're in the
17 landscaping business, I think that should be pretty easy.

18 MR. JACKSON: We should be able to figure this part
19 out.

20 CHAIRMAN LINGENFELTER: Right, okay. Then the next
21 item is, "Does the project comply with the applicable
22 Landscaping and Screening Criteria outlined in Section
23 XXXVIII?" And the number one item is, "Revise Landscape plan
24 to match civil layout (remove south bins) and adjust
25 landscaping plan as required to show lawn in this area."

26 MR. JACKSON: Absolutely.

27 CHAIRMAN LINGENFELTER: Okay with that?

28 MR. JACKSON: Yep.

29 CHAIRMAN LINGENFELTER: All right. Number 2,
30 "Revise Landscape plan to show grass to be planted north of

1 the relocated bins and gravel parking area, in addition to the
2 trees shown." Okay with that?

3 MR. JACKSON: Absolutely.

4 CHAIRMAN LINGENFELTER: All right. We're clicking
5 through them. All right. Under the, in Section III,
6 "Comments from other departments and/or agencies," Lake County
7 Stormwater Management Department, Stephen Houser, dated
8 July 23, 2021, item number 1 bullet point is, "Please
9 distinguish the proposed work zone and proposed disturbance
10 areas as disturbance area greater than 1 acre will require NOI
11 coverage and NPDES Construction General Permit Compliance."

12 MR. JACKSON: Yeah, that's fine.

13 CHAIRMAN LINGENFELTER: You okay with that?

14 MR. JACKSON: Absolutely.

15 CHAIRMAN LINGENFELTER: All right. You understand
16 what all those --

17 MR. JACKSON: Yeah. So there was one. The reason
18 some of these drawings don't coincide is there was, to get the
19 zoning, the last zoning meeting, the civil had changed and
20 that's why some of this stuff, the civil and the landscape,
21 didn't all line up. And in this particular one, there was a
22 sheet in here that we were under the one acre but, yeah,
23 that's not a problem.

24 CHAIRMAN LINGENFELTER: Okay. So we're good with
25 the first built point.

26 MR. JACKSON: Yeah.

27 CHAIRMAN LINGENFELTER: Okay. Second bullet point,
28 to "Provide more detailed grading on the plan to show how
29 water will be conveyed to the proposed catch basin structures
30 and that there will be positive fall away from the building

1 foundation."

2 MR. JACKSON: Right.

3 CHAIRMAN LINGENFELTER: Okay with that?

4 MR. JACKSON: Yep.

5 CHAIRMAN LINGENFELTER: Okay. Bullet point number
6 3, "Concern with the pond's outlet pipe being located
7 underneath the stormwater basin embankment and the possibility
8 of water circumventing the pond through trench migration."
9 Are you familiar with that?

10 MR. JACKSON: Absolutely, yep.

11 CHAIRMAN LINGENFELTER: You all right with fixing
12 that?

13 MR. JACKSON: Um-hum.

14 CHAIRMAN LINGENFELTER: Okay. Next bullet point,
15 provide or "Recommend anti seep collar or collars along the
16 pond's outlet pipe to reduce the risk of piping."

17 MR. JACKSON: Yep.

18 CHAIRMAN LINGENFELTER: Okay.

19 MR. REPERT: May I ask, does anyone know what
20 "piping" is?

21 MR. IAFELICE: Mr. Chairman, I think it's a
22 typographical error. It's meant to say, I assume, "leaking,"
23 not piping, leaking. It's, anti-seep collar is to prevent
24 leaking.

25 CHAIRMAN LINGENFELTER: Right.

26 MR. REPERT: Okay, fine. I just questioned because
27 I didn't know what "piping" was in that text.

28 CHAIRMAN LINGENFELTER: It depends on what
29 vernacular.

30 MR. REPERT: Well, I was trying to find out the

1 vernacular.

2 CHAIRMAN LINGENFELTER: All right. So we will make
3 a note that the "piping" is questioned and we're thinking that
4 that could be a typo and we're going to assume "leaking." So
5 we might want to get a clarification on that.

6 The next bullet point, "Provide emergency spillway's
7 conveyance ability due to the close proximity and proposed
8 grade of the back of the building."

9 MR. JACKSON: Yep.

10 CHAIRMAN LINGENFELTER: Good with that?

11 MR. JACKSON: Yep.

12 CHAIRMAN LINGENFELTER: Okay. Next item is, "Storm
13 sewer system to be sized per County standards."

14 MR. JACKSON: Yes.

15 CHAIRMAN LINGENFELTER: Okay. Next item is to
16 "Recommend alternative outlet design to reduce risk of gravel
17 and perforated pipe from clogging."

18 MR. JACKSON: Yes.

19 CHAIRMAN LINGENFELTER: Okay. Next item, "Is the 12
20 inch outlet pipe form the site functioning?" I'm going to
21 assume "from."

22 MR. REPERT: From.

23 CHAIRMAN LINGENFELTER: Question mark. "Has it been
24 inspected to determine if it can adequately convey the
25 proposed volumes of water from the basin?"

26 MR. JACKSON: That was done by the city.

27 CHAIRMAN LINGENFELTER: Okay.

28 MR. JACKSON: They did that last year.

29 CHAIRMAN LINGENFELTER: So that's been completed?

30 MR. JACKSON: Yeah.

1 CHAIRMAN LINGENFELTER: Okay, thank you, good to
2 know.

3 Next item, "Storm sewers or downspouts discharging
4 into the basin should have specified volumes and adequately
5 sized rock outlet protection to dissipate velocity and
6 minimize erosion."

7 MR. JACKSON: Yes.

8 CHAIRMAN LINGENFELTER: Okay. And the final bullet
9 point is, "If the basin is to function as a sediment trap
10 throughout construction, then a skimmer device shall be
11 installed to dewater the sediment laden water in the pond."

12 MR. JACKSON: It will not be a sediment trap.

13 CHAIRMAN LINGENFELTER: There will not be?

14 MR. JACKSON: No, not through construction.

15 CHAIRMAN LINGENFELTER: Okay.

16 MR. JACKSON: It will be silt sides.

17 CHAIRMAN LINGENFELTER: Okay. So we will make a
18 note on that.

19 All right. The next entity and agency to make a
20 comment is the Concord Township Fire Department, Doug Rought,
21 July 27, 2021.

22 "After review of the construction site plan as
23 permitted by the 2017 Ohio Fire Code Section 104.2.1 Concord
24 Township Fire Department will provide the Concord Township
25 Zoning Department specific references to the relevant sections
26 of this code to be in compliance.

27 "OFC Section 503.1.1 Buildings and facilities.
28 Approved fire apparatus access road shall be provided for
29 every facility, building or portion of a building hereafter
30 constructed or moved into or within jurisdiction which are not

1 readily accessible from a public and/or private street. The
2 fire apparatus access road shall comply with the requirements
3 of this paragraph and shall extend to within 150 feet of all
4 portions of the facility and all portions of the exterior
5 walls of the first story of the building as measured by an
6 approved route around the exterior of the building and/or
7 facility.

8 "Exceptions: The fire code official is authorized
9 to increase the dimensions of 150 feet, which is 45,722
10 millimeters, where any of the following conditions occur:

11 "1.1. The building is equipped throughout with an
12 approved automatic sprinkler system installed in accordance
13 with paragraph (C) (3) (a) (i) (903.3.1.1),
14 (C) (3) (a) (ii) (903.3.1.2) or (C) (3) (a) (iii) (903.1) -- or
15 (903.3.1.3) of Rule 1301:7-7-09 of the Administrative Code.

16 "1.2. Fire apparatus access roads cannot be
17 installed because of location on property, topography,
18 waterways, nonnegotiable grades or other similar conditions,
19 and an approved alternate means of fire protection is
20 provided.

21 "1.3. There are not more than two Group R-3 or
22 Group U occupancies.

23 "Number 2. Where approved by the fire code
24 official, fire apparatus access road shall be permitted to be
25 exempted or modified for solar photovoltaic power generation
26 facilities.

27 "The Fire Department will authorize reduction from
28 20 feet wide to 10 feet wide north side access due to
29 exception 1.2.

30 "OFC Section 3301.1 Fire safety during construction

1 and demolition. This will rule shall apply to structures in
2 the course of construction, alteration or demolition,
3 including those in underground locations.

4 "Compliance with NPFA 241 as listed in rule 1301:
5 7-7-471301:7-7-80 of the Administrative Code is required for
6 items not specifically addressed herein."

7 Are you in compliance and understanding with those
8 items?

9 MR. JACKSON: Yes.

10 CHAIRMAN LINGENFELTER: Okay. The Lake County
11 Engineer's Office, Traci Salkiewicz, July 31, 2021, "We have
12 reviewed the site plan for the above referenced project and
13 offer one comment for consideration. Since the property owner
14 is proposing changes at the south entrance to the property,
15 the existing driveway shall be modified to eliminate the
16 encroachment onto the adjacent property to the south (Lake-
17 Geauga Recovery Center's Inc.). While the apron flair may
18 encroach within the public right-of-way, no encroach shall be
19 permitted on the adjacent property outside of the right-of-
20 way. Once revisions are made to the plans, our office will
21 review again and issue final approval."

22 Are you okay with that?

23 MR. JACKSON: Yes.

24 CHAIRMAN LINGENFELTER: All right. And under
25 Section IV, Staff Recommendation, including conditions, as
26 appropriate: Staff recommends conditional approval subject to
27 the following conditions:

28 "1. Data block shall be updated to include: number
29 of buildings, number of stories, proposed uses, building
30 spacing, and parking area."

1 You okay with that?

2 MR. JACKSON: (Nodding.)

3 CHAIRMAN LINGENFELTER: Okay. "Number 2. Revise
4 Architectural plans to show the height of the wall mounted
5 lights on the building. A detail and specification sheet for
6 the wall mounted lights shall be submitted, showing compliance
7 with the maximum 14 feet height." All right?

8 MR. JACKSON: Yes.

9 CHAIRMAN LINGENFELTER: Number 3. Show traffic flow
10 pattern on site plan." You understand what that requirement
11 is?

12 MR. JACKSON: Yes.

13 CHAIRMAN LINGENFELTER: "Number 4. Label access
14 drive width on the site plan."

15 MR. JACKSON: Yes.

16 CHAIRMAN LINGENFELTER: "Show existing sign
17 locations on plans."

18 MR. JACKSON: Yes.

19 CHAIRMAN LINGENFELTER: Item Number 6. The overhead
20 doors for the proposed building shall be shown on the site
21 plan."

22 MR. JACKSON: Yes.

23 CHAIRMAN LINGENFELTER: We already covered that.

24 "Number 7. Revise construction timeline to include
25 all aspects of the project, including but not limited to the
26 demolition of existing building, and installation of
27 landscaping." We covered that.

28 "Plans must conform to the Lake County Stormwater
29 Management Department as outlined above, as outlined above."
30 You are okay with that?

1 MR. JACKSON: Yes.

2 CHAIRMAN LINGENFELTER: "Number 9. The existing
3 driveway shall be modified to eliminate the encroachment onto
4 the adjacent property to the south (Lake-Geauga Recovery
5 Centers, Inc.)." You acknowledged that.

6 "Number 10. Revise Landscape plan to match civil
7 layout (remove south bins) and adjust landscaping plan as
8 required to show lawn in this area." We talked about that.

9 "Number 11. Revise Landscape plan to show grass to
10 be planted north of relocated bins and gravel parking area."
11 We discussed that.

12 And then, of course, on the exhibits, we had the
13 site plan application and the various listed items on that
14 application.

15 So everything is okay with you?

16 MR. JACKSON: Yeah.

17 CHAIRMAN LINGENFELTER: You don't see any issues
18 addressing those? As you know, if we grant your approval,
19 that these conditions and all these issues will need to be
20 addressed --

21 MR. JACKSON: Absolutely.

22 CHAIRMAN LINGENFELTER: -- before you can get
23 started so we can make sure that everything is covered under
24 the various departments and the questions and issues that they
25 have brought to our attention.

26 MR. JACKSON: So I just have, I have the drawings
27 redone and then I just resubmit them, correct?

28 CHAIRMAN LINGENFELTER: Heather, right?

29 MS. FREEMAN: Yeah. I will send you a letter after
30 this meeting explaining.

1 MR. JACKSON: Okay.

2 CHAIRMAN LINGENFELTER: Right. If you have anything
3 else you'd like to talk to the Board at this point about?

4 MR. JACKSON: No.

5 CHAIRMAN LINGENFELTER: Okay. Any questions, Hiram?

6 MR. REPERT: Do you anticipate any signage on the
7 building itself?

8 MR. JACKSON: On the building, no.

9 MR. REPERT: Okay. That's all, Mr. Chairman.

10 CHAIRMAN LINGENFELTER: Okay. Mr. Schindler?

11 MR. SCHINDLER: None, Mr. Chairman.

12 CHAIRMAN LINGENFELTER: Okay. Mr. Iafelice?

13 MR. IAFELICE: Thanks, Mr. Chairman.

14 Good evening.

15 MR. JACKSON: Hi.

16 MR. IAFELICE: One question would be on the site
17 plan. There is a notation that says the proposed storage on
18 the north side gravel is covered.

19 MR. JACKSON: Correct.

20 MR. IAFELICE: Is there, is that to be -- Is there a
21 detail somewhere?

22 MR. JACKSON: There is not a detail. So when we got
23 our okay to do this at the last zoning meeting, there was only
24 like a 30-hour window to get to the next, for you guys to get
25 your information for this meeting. It will be, basically,
26 where the topsoil bin that we have across the street now will
27 be taken down and the new one of same stature will be, I
28 believe it's 30 feet wide, will be put in its place.

29 MR. IAFELICE: Okay. Another observation is the man
30 door on the south side.

1 MR. JACKSON: Okay.

2 MR. IAFELICE: Just an observation for you or your
3 engineer's use. The grade, grade of that door is more than 4
4 feet above the grade outside. The retention basin is at 89,
5 the finished grade outside is 93 and a half. Just an
6 observation there for constructability because your detention
7 basin is right up against the building all around.

8 MR. JACKSON: Right.

9 MR. IAFELICE: So you have no room around there
10 anyhow. It may conflict with that man door in front. Just,
11 again, an observation. I didn't see the Lake County Engineers
12 review note that but --

13 MR. JACKSON: Okay.

14 MS. FREEMAN: On the site plan, Tim.

15 MR. JACKSON: Yeah, no.

16 CHAIRMAN LINGENFELTER: So your observation being,
17 what, a step ladder to get into that man door?

18 MR. IAFELICE: So not quite a step ladder, as
19 Mr. Chairman has noted, but just maybe a wall or something
20 there to be aware of because the grading around there is right
21 up against your building.

22 MR. JACKSON: Yeah. But that grading comes back 8
23 feet. So this grading continues throughout and it comes back
24 8 feet before the retention basin starts.

25 MR. IAFELICE: I know what you are saying but it's,
26 it's 93 and a half and that's 89, that distance. It's just an
27 observation.

28 Is it your intent that the wash bay -- So you have
29 five parking spaces in front of the wash bay door.

30 MR. JACKSON: Correct.

1 MR. IAFELICE: So that's --

2 MR. JACKSON: Those, we need two parking spaces.

3 MR. IAFELICE: So five.

4 MR. JACKSON: We are just doing five to, I guess, to
5 fulfill some zoning requirement but there is only two people
6 that park there. Right now, currently, if you see more cars
7 out front, we have tenants. We have tenants on half of the
8 side of the building and those tenants will not be following
9 us to the new location.

10 MR. IAFELICE: Okay. Is it, with this improvement,
11 are you anticipating relocating the stock pile of mulch and
12 stone that's right up against the right-of-way?

13 MR. JACKSON: In the road, no.

14 MR. IAFELICE: It will stay there?

15 MR. JACKSON: Yes. Yeah, the bins on the south side
16 and the north side will be pushed back. The ones out front
17 will remain in place.

18 MR. IAFELICE: Okay. So that stockpile will remain?

19 MR. JACKSON: Correct.

20 MR. IAFELICE: Have you had any issues with dust or,
21 especially, dust given the fact that it's proximity to the
22 roadway?

23 MR. JACKSON: It's more dust on the gravel than it
24 is -- The stockpiles don't emit any dust. It's more of, it's
25 more of truck traffic would be the dust.

26 MR. IAFELICE: Yeah. Also, since it's stockpiled
27 and there is nothing protecting the wash water erosion of
28 that --

29 MR. JACKSON: Those are on concrete pads.

30 MR. IAFELICE: They're on pads but, I mean, where

1 does it erode to? Where does the water drain off of those
2 stockpiles?

3 MR. JACKSON: I've been there seven years and we
4 haven't had that problem yet.

5 MR. IAFELICE: Okay. And then lastly, obviously,
6 you received a variance to keep it gravel.

7 MR. JACKSON: Correct.

8 MR. IAFELICE: Is that for a cost savings?

9 MR. JACKSON: No. That's for, four of our machines
10 are 80,000 pounds and are on steel tracks. We would turn our
11 parking lot into gravel pretty quickly if we paved it. You
12 know, it would turn into, it would turn into gravel rapidly.
13 Plus the noise, the sheer noise of those things going on
14 pavement, clink-clink-clink-clink-clink, you know, it's
15 aggressive.

16 MR. IAFELICE: Okay. I am just concerned about the
17 dust.

18 CHAIRMAN LINGENFELTER: Great questions.

19 MR. IAFELICE: You think so?

20 CHAIRMAN LINGENFELTER: I think so.

21 MR. IAFELICE: Okay. Thank you, Mr. Chairman.

22 CHAIRMAN LINGENFELTER: Thank you.

23 MR. IAFELICE: That's all I had.

24 CHAIRMAN LINGENFELTER: Is that it?

25 MR. IAFELICE: That's it.

26 CHAIRMAN LINGENFELTER: You're sure?

27 MR. IAFELICE: Yes, I am sure.

28 CHAIRMAN LINGENFELTER: Mr. Peterson.

29 MR. PETERSON: Mr. Chairman, it looks like a good
30 overall business improvement to me. No issues.

1 CHAIRMAN LINGENFELTER: So I take it you have no
2 questions.

3 MR. PETERSON: No.

4 CHAIRMAN LINGENFELTER: Great. I have no questions
5 as long as you are under the understanding that you need to,
6 you know, meet all of the conditions that have been set forth
7 in the staff report.

8 MR. JACKSON: Yeah.

9 CHAIRMAN LINGENFELTER: That's very important,
10 obviously, if you've got a timeline you're trying to live
11 under.

12 MR. JACKSON: Yes.

13 CHAIRMAN LINGENFELTER: You know, meeting these
14 deadlines and getting this information back to Heather as
15 quickly as possible, getting everything revised accordingly is
16 extremely important. I hate to see you get delayed.

17 I am with Mr. Peterson. I always like to see
18 Concord businesses expand and grow, and it's good for you and
19 I am glad that this is happening and, you know, I can't say
20 anything more about that. So that's good for you.

21 MR. JACKSON: Thank you.

22 CHAIRMAN LINGENFELTER: Thank you. We appreciate
23 your willingness to stay in the township and grow with us
24 instead of going elsewhere, so we like that.

25 Any other questions from the Board at this point?
26 Okay. Thank you very much.

27 MR. JACKSON: Thank you.

28 CHAIRMAN LINGENFELTER: Appreciate your time.

29 MR. JACKSON: Thank you.

30 CHAIRMAN LINGENFELTER: Appreciate all your efforts.

1 Any discussion from the Board at this point?
2 Anything we want to talk about or are we ready to move forward
3 with a motion?

4 MR. REPPERT: Motion.

5 CHAIRMAN LINGENFELTER: Hiram, no?

6 Frank?

7 Richard?

8 Richard?

9 MR. IAFELICE: No.

10 CHAIRMAN LINGENFELTER: Okay. All right. Well, at
11 this point, then I would entertain a motion to the
12 affirmative. However, we want to make sure that we note all
13 of the conditions that have been set forth in the staff
14 report, make sure you include that. So it's going to be a
15 conditional approval based on all of the issues that are in
16 the staff report. And I will entertain a motion at this
17 point. Don't all jump at once.

18 MR. REPPERT: Mr. Chairman, I would like to make a
19 motion to conditionally approve Site Plan Review Application
20 Number 045 by Accurate Landscaping with the consideration of
21 all the comments from the staff report as provided by and
22 revised on 8/2/2021.

23 CHAIRMAN LINGENFELTER: Does that meet the legal
24 requirements or do we need to hone that down a little bit?

25 MS. BELL: I would rather get the conditions on the
26 record, so if he could go through and list them 1 through 11.
27 I am sorry.

28 CHAIRMAN LINGENFELTER: All right. So you would,
29 you would, even though I covered those in the conversation
30 with the applicant?

1 MS. BELL: I would like to just be -- put it on
2 there.

3 CHAIRMAN LINGENFELTER: Okay. Far be it from me to
4 argue with legal counsel.

5 Mr. Reppert, can you please revise your motion, and
6 clear your throat?

7 MR. REPERT: You said 1 through 11?

8 MS. BELL: Eleven, whatever it was.

9 CHAIRMAN LINGENFELTER: Right. Yep, that's what it
10 is. Yeah, you need to --

11 MR. REPERT: Where? I have 9.

12 CHAIRMAN LINGENFELTER: In Section IV, oh, you have
13 only nine?

14 MR. REPERT: Section IV.

15 CHAIRMAN LINGENFELTER: "Section IV, Staff
16 Recommendations, including" --

17 MR. REPERT: Section IV, you want, okay.

18 CHAIRMAN LINGENFELTER: Yes. If you could read
19 those 11 points into your motion, I would appreciate that.

20 MR. REPERT: Mr. Chairman, I would like to move
21 that we conditionally approve the Site Plan Review Application
22 Number 045 by Accurate Landscaping, Inc., with the following
23 staff recommendations, including conditions, as appropriate:

24 "Number 1. Data block shall be updated to include:
25 number of buildings, number of stories, proposed uses,
26 building spacing, and parking area.

27 "Number 2. Revise architectural plans to show the
28 height of the wall mounted lights on the building. A detail
29 and specification sheet for the wall mounted lights shall be
30 submitted showing compliance with the maximum 14 foot height.

1 "Number 3. Show traffic flow pattern on the site
2 plan.

3 "Number 4. Label access drive width on the site
4 plan.

5 "Number 5. Show the existing sign locations on
6 plans.

7 "Number 6. The overhead doors for the proposed
8 building shall be shown on the site plan.

9 "Number 7. Revise construction timeline to include
10 all aspects of the project, including but not limited to
11 demolition of existing building, and installation of the
12 landscaping.

13 "Number 8. Plans must conform to the Lake County
14 Stormwater Management Department as outlined above.

15 "Number 9. The existing driveway shall be modified
16 to eliminate the encroachment onto adjacent property to the
17 south, which is Lake-Geauga Recovery Centers, Inc.

18 "Number 10. Revise landscape plan to match civil
19 layout (remove south bins) and adjust landscaping plan as
20 required to show lawn in this area.

21 "Number 11. Revise landscape plan to show grass to
22 be planted north of the relocated bins and gravel parking
23 area, in addition to the trees shown."

24 CHAIRMAN LINGENFELTER: Thank you, Hiram.

25 MR. REPPERT: That was painful.

26 CHAIRMAN LINGENFELTER: May I have a second?

27 MR. PETERSON: Mr. Chairman, I second the motion.

28 CHAIRMAN LINGENFELTER: We have a motion made and
29 seconded. Heather, would you please call the roll?

30 MS. FREEMAN: Mr. Schindler?

1 MR. SCHINDLER: Yes.

2 MS. FREEMAN: Mr. Reppert?

3 MR. REPPERT: Yes.

4 MS. FREEMAN: Mr. Peterson?

5 MR. PETERSON: Yes.

6 MS. FREEMAN: Mr. Iafelice?

7 MR. IAFELICE: Yes.

8 MS. FREEMAN: Mr. Lingenfelter?

9 CHAIRMAN LINGENFELTER: Yes.

10 Okay. The site plan review application has five
11 yeas, no nays, no abstentions. The motion and the application
12 is conditionally approved at this point. Thank you very much.

13 (Five aye votes, no nay votes.)

14 MR. JACKSON: Thank you.

15 CHAIRMAN LINGENFELTER: Appreciate you taking the
16 time to come in.

17 Okay. Now I know why there was such hesitancy on
18 the Board's part to make the motion.

19 MR. REPPERT: To make the motion.

20 CHAIRMAN LINGENFELTER: Hiram jumped in. We gotcha.
21 Okay.

22 MR. REPPERT: See if I do that again.

23 CHAIRMAN LINGENFELTER: Well, it was good. We
24 appreciate it. We appreciate it. Don't think for a moment
25 that we don't.

26 Item Number 3 on the agenda this evening under New
27 Business is a work session for possible zoning text amendments
28 related to the Residential Conservation Development District
29 and outside dining.

30 MR. REPPERT: Mr. Chairman, if I may.

1 CHAIRMAN LINGENFELTER: You certainly may.

2 MR. REPPERT: Can we discuss 13.33 outside dining
3 first?

4 CHAIRMAN LINGENFELTER: I would think that might
5 make sense because it's, I think, it's a much shorter issue to
6 deal with than the second. So why don't you go ahead and
7 indulge us, discuss it, if you would like, or I can have
8 Heather comment.

9 MR. REPPERT: Well, my discussion is, I don't think
10 we should have the 25 percent or 30 percent or whatever it is.
11 I think it's fine just the way it is. My note on the side
12 says "please approve."

13 CHAIRMAN LINGENFELTER: Heather, do you have any
14 other comments for the Board at this point based on the
15 information you provided or with the red strike-throughs and
16 the relettering? I mean, everything okay?

17 MS. FREEMAN: I think it sounded like the Board had
18 already kind of made their decision on that.

19 CHAIRMAN LINGENFELTER: Right.

20 MS. FREEMAN: It was just whether or not we wanted
21 to initiate that as a separate zoning text amendment or
22 possibly couple it with this, with the RCD amendments that we
23 had been working on.

24 CHAIRMAN LINGENFELTER: Okay.

25 MS. FREEMAN: So it's one small amendment. I don't
26 know if you guys want to have a separate public hearing for
27 that or if you want to wait, as I said, and couple it with the
28 other amendment.

29 CHAIRMAN LINGENFELTER: Counselor, do you think it
30 would be appropriate or inappropriate to piggyback this along

1 with the residential conservation zoning or do you think we
2 should handle this as a separate public hearing with a
3 separate agenda to discuss?

4 MS. BELL: Either way sounds fine to me. I guess it
5 would be depend on the timing that you guys want to do.

6 CHAIRMAN LINGENFELTER: Okay, all right. So at this
7 point, there is no further discussion from the Board on the
8 outside dining?

9 MR. PETERSON: I agree with Hiram. This is a good
10 improvement.

11 CHAIRMAN LINGENFELTER: Okay. Frank, any comments?

12 MR. SCHINDLER: No, I agree.

13 CHAIRMAN LINGENFELTER: Okay. Rich?

14 MR. IAFELICE: I concur, I concur.

15 CHAIRMAN LINGENFELTER: You concur, okay, great.

16 So then I guess what we will do at this point, since
17 we're okay with everything, I think we should probably move
18 forward with this to get this on the agenda for a public
19 hearing, correct, Heather, get it on the agenda?

20 MS. FREEMAN: Yeah. What is -- I'll need to grab my
21 copy of the Zoning Resolution to make sure that we're within
22 the, if we schedule the hearing, that we're within the ORC
23 time frame as far as the time period.

24 CHAIRMAN LINGENFELTER: Yeah, sure.

25 MS. FREEMAN: Give me one second.

26 CHAIRMAN LINGENFELTER: Sure, okay. Yeah, The first
27 Tuesday would be September 7th.

28 MS. FREEMAN: Okay. So we would have to, upon the
29 adoption of the motion by the Zoning Commission to initiate a
30 text amendment, we would have to make sure that we set the

1 hearing no less than 20 days or no more than 40 days from
2 today. So I think if, counting on the calendar, does that
3 work for our next regularly scheduled meeting?

4 CHAIRMAN LINGENFELTER: I think, I'm looking,
5 glancing at my calendar. It appears that we are okay. Today
6 being the 3rd and then the next meeting would be the 7th of
7 September, so that puts us within that.

8 MS. FREEMAN: Yeah, that's right, 35 days.

9 CHAIRMAN LINGENFELTER: Yeah, within that time
10 frame, so I think we're okay. All right. So why don't we,
11 why don't we plan on trying to tackle that for the 7th Zoning
12 Commission meeting.

13 MS. FREEMAN: So what I would recommend then,
14 Mr. Chairman, is that we would need a motion. And I presented
15 this evening to you, in front of you a list of these potential
16 amendments just in case you guys were ready to initiate
17 anything, that we would be looking for a motion to -- correct
18 me, Legal Counsel, here if need be -- but to set a public
19 hearing for a zoning, for a zoning text amendment to Section
20 13.33(E), Outside Dining, to delete the existing requirements
21 for outside seating capacity.

22 MS. BELL: Beautiful.

23 CHAIRMAN LINGENFELTER: Okay. So at this point,
24 gentlemen, I will entertain a motion.

25 MR. REPERT: Question.

26 CHAIRMAN LINGENFELTER: Yes.

27 MR. REPERT: Mr. Chairman, if we want to piggyback
28 this with the RCD, shouldn't we finalize the RCD?

29 CHAIRMAN LINGENFELTER: Well, my thought is this:
30 If we don't finalize the RCD this evening, I would still like

1 to, at least, get this outside dining off our plate, if
2 possible. Okay? If we do get the residential conservation
3 zoning text, you know, honed in and ready to go and we're
4 comfortable moving forward, then I think we do them both at
5 the next meeting. At least, I think this one is one that we
6 can get out. We should get this on the agenda.

7 MR. REPERT: Okay.

8 CHAIRMAN LINGENFELTER: Because I know we can tackle
9 it.

10 MR. REPERT: Okay.

11 CHAIRMAN LINGENFELTER: And get it out of the way.
12 And if we can finish up tonight and get the RCD text approved
13 and everybody is comfortable moving forward with the public
14 hearing, then we will do them both.

15 MR. REPERT: Okay.

16 CHAIRMAN LINGENFELTER: Does that sound reasonable?

17 MR. REPERT: Yes, it does.

18 MS. FREEMAN: Mr. Chair --

19 CHAIRMAN LINGENFELTER: I think we would take them
20 in that order, too. I think we would knock off the dining
21 first, get it out of the way and then move forward with the
22 public because I think there will probably be some interest in
23 the RCD text, maybe not, but I am thinking there might be some
24 interest in that and there might be an audience participation
25 component to that from a public hearing standpoint. So I
26 would like to get the dining out of the way and, that way, if
27 we would have to continue the public hearing, that way, at
28 least the dining component would be out of the way.

29 MR. REPERT: Out of the way.

30 CHAIRMAN LINGENFELTER: All the restaurateurs and

1 business owners in the area that would be affected by that, at
2 least, would have a clear understanding where we're going with
3 that. How does that sound, reasonable?

4 MR. REPPERT: Yes.

5 CHAIRMAN LINGENFELTER: Okay, very good. We are
6 very agreeable this evening. It's making my job very easy.

7 Okay. So the outside dining, we are going to
8 schedule for a public hearing. I would like, I would
9 entertain a motion at this point for that.

10 MR. PETERSON: Mr. Chairman, I make a motion that we
11 schedule the public hearing for Section 13.33, revisions to
12 outside dining requirements.

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

14 MR. REPPERT: Second.

15 CHAIRMAN LINGENFELTER: Seconded. All those in
16 favor say aye. Opposed? None opposed. Abstentions? No
17 abstentions. We have five ayes, no nays, no abstentions.

18 (Five aye votes, no nay votes.)

19 CHAIRMAN LINGENFELTER: We will be placing the
20 outside dining text on the agenda next month for public
21 hearing.

22 MS. FREEMAN: Mr. Chairman, did you want to, just
23 for clarification purposes, are we going to just do that right
24 at 7:00 p.m. on the September 7th meeting?

25 CHAIRMAN LINGENFELTER: You're going to put me under
26 the guideline of a specific time?

27 MS. FREEMAN: I believe that was the intention
28 behind the motion.

29 CHAIRMAN LINGENFELTER: Yes, yes, it will be, I
30 would like that to be the first item, the first item on the

1 agenda for the hearing, for our public hearing. I would like
2 to get that out of way first, tackle that.

3 MS. FREEMAN: Okay.

4 CHAIRMAN LINGENFELTER: So we want to make sure that
5 we don't get them superimposed, although I can make the
6 change. I have the ability to make the change at the time of
7 the hearing. It just will make it a lot easier if we just do
8 that first. Okay?

9 MS. FREEMAN: Okay.

10 CHAIRMAN LINGENFELTER: All right. Now let's go
11 into the fun stuff, Planned Unit Development, Residential
12 Conservation zoning. Heather, anything you would like to talk
13 to the Board about today?

14 MS. FREEMAN: Okay. So last month we went through a
15 lot of this again. As you know, we've been working on some
16 potential amendments for quite some time. Since then, I did
17 meet with legal counsel to talk about a few pending items and
18 I think that we still need to make a couple modifications on
19 this evening. One of them, I guess, I point your attention to
20 on page 16.18.

21 CHAIRMAN LINGENFELTER: I am sorry, 16 what?

22 MS. FREEMAN: 16.18, 18.

23 CHAIRMAN LINGENFELTER: 18?

24 MS. FREEMAN: Yeah, 16.18, which is actually Section
25 16.24(B), the Open Space Minimum Requirements. We have in
26 here currently this proposed table showing minimum open space
27 requirements based on a sliding scale based on the minimum
28 project area. And I think, you know, we talked about this a
29 little bit last month, about the potential for misuse based on
30 the sliding scale where you might get a developer coming in

1 with two smaller sized projects that then would only have to
2 conserve 30 percent open space rather than the 40 percent open
3 space.

4 I know we did a review of all of the previously
5 approved RCD projects within the township. I don't think
6 there was -- I am sorry. At that time, all of them had over
7 40 percent but it wasn't clear on each plan whether or not the
8 40 percent open space included detention areas, excluded
9 detention areas. And I know with this amendment we are making
10 it very clear that detention stormwater basins are not going
11 to be counted as open space. So I think we need to factor
12 that into this and come up with just a straight percentage and
13 not do this sliding scale.

14 So now the most recent project that was not approved
15 when we first started looking at this, which since then has
16 been approved, is the Villas at Canterwood. And with
17 detention basins they were like at 35 percent, without
18 detention basins they were teetering right at 30 percent.
19 Okay?

20 So I am thinking that it would be better to just
21 pick a percentage. I don't know if you guys want to split the
22 difference between the 30 and the 40 or go with the lower end
23 or what. But I would really recommend that, instead of doing
24 the scale, that we just, we further change this just to say a
25 straight percentage. So that's one of my comments that I
26 would highly recommend.

27 The other area that there was some conversation
28 about is when there is disturbances in the open space during
29 construction or if there was land that was already previously
30 disturbed being considered for an RCD, requiring the developer

1 to submit some kind of restoration plan on how they're going
2 to fix that area, whether it had been old farm fields,
3 potentially, that now you want to have a better understanding
4 of what they're going to do with that area as open space, if
5 it's going to convert, go back, is it going to be converted
6 back to forest or what they're going to do to that to improve
7 that previously disturbed property.

8 I had been -- This was one of the recommendations
9 through the Comp Plan Update in 2015 that Lake County Soil and
10 Water was highly recommending that the township consider and,
11 in our discussions, it sounded like you really wanted to do
12 that. And I was trying to get, you know, a very brief outline
13 from Soil and Water to help assist, you know, to put in the
14 Zoning Resolution that these are the basic components of what
15 we are expecting to see in restoration plan, and we have not
16 received that yet. So I was trying to do some research myself
17 online to kind of find some information.

18 This afternoon -- I know it was late, short
19 notice -- I did email over a study that was done by an
20 individual at the Department of Plant Sciences, University of
21 California at Davis, who just kind of had an upper level
22 discussion about what restoration ecology really is, because I
23 know that -- and what that includes. I have a copy here. I
24 can -- for everybody if you guys want to see that. But it
25 kind of went through just explaining that what ecological
26 restoration aims to do, basically, recreating, accelerating
27 the recovery of an ecosystem that has been previously
28 disturbed. It talked about some different goals and
29 objectives of different restoration projects. It really can
30 vary from one project to another.

1 I am thinking like, you know, with an RCD where you
2 might have some disturbances in the open space during
3 construction, we would be looking, at the goal of that
4 restoration project would probably be to revegetate that area,
5 but then there could be other, other projects that might have
6 a more cumbersome, you know, restoration plan being proposed.

7 But there are -- And I know, in talking with legal
8 counsel, they were also recommending that we include some
9 basic items that we want to see in the plan. So I would
10 think, I don't know if you want to kind of discuss a little
11 bit more what kind of things we would expect to see in that
12 plan.

13 I know, Mr. Iafelice, you and I were discussing this
14 a little bit before the meeting started.

15 MR. IAFELICE: Yes.

16 MS. FREEMAN: I don't know if you want to add
17 anything to that.

18 MR. IAFELICE: I would be glad to.

19 CHAIRMAN LINGENFELTER: Please.

20 MR. IAFELICE: Mr. Chairman, so I was mentioning to
21 Heather -- Thank you for this, by the way. I read through it
22 late this afternoon. And it, for my reference to the Board
23 here, if you go to application on page, the heading on page 2,
24 at the bottom of page 2.

25 CHAIRMAN LINGENFELTER: Yep.

26 MR. IAFELICE: There are several bullets there that,
27 from my read, provides us with an outline of what a
28 restoration plan should include.

29 CHAIRMAN LINGENFELTER: Right.

30 MR. IAFELICE: So I thought that was a general

1 itemization that would help us identify what to include in a
2 restoration plan. While the article is more global in nature,
3 this kind of speaks right to what I think would, at least,
4 outline the main points that we would look for in a plan.

5 CHAIRMAN LINGENFELTER: Were there any of those
6 bullet points, Richard, that struck your fancy or do you think
7 we should include all them or part of them?

8 MR. IAFELICE: I thought rehabilitating substrates
9 was a little bit beyond but, basically, what is -- assess the
10 site. What is it? What's your goal for the site? What are
11 the sources of disturbance? And how are you going to restore
12 the vegetation? So it is kind of like outline generally to an
13 applicant or a developer what we're looking for. It seems --

14 CHAIRMAN LINGENFELTER: Heather, what would be the
15 cost to the township and/or the developer associated with
16 doing this type of a plan or conforming to these requirements?
17 Does this become -- Is this something that the township is
18 going to investigate and then make a recommendation or is this
19 something that the developer is going to have to hire a
20 restoration consultant and then, you know, put forth some sort
21 of a proposal or a plan?

22 You know, because, obviously, we are going to give
23 them some guidelines, right, because we are being requested to
24 include some guidelines. We just can't say, "We want a
25 restoration plan and have at it." We've got to give them
26 some, some bogie, some things that they need to aim at and
27 shoot at to be able to meet this. What's your thought there?
28 Have you given that any thought?

29 MS. FREEMAN: Well, there would definitely, I
30 believe, be some cost involved with coming up with a

1 restoration plan. And what that cost might, the price of
2 that, I think, would vary depending on, you know, the project.
3 So if you're, for example, like the Villas at Canterwood
4 project, right now, I mean, everything that they're proposing
5 is basically on land that has not been previously disturbed.
6 Now, as they move through their final improvements, if they
7 see that they do need to disturb of the open space, I think
8 that restoration plan would be fairly straightforward to being
9 formulated in-house, maybe even by a landscape architect.
10 Yeah, a landscape architect could do that, which these
11 developers generally have a relationship with a landscape
12 architect or the survey or engineering firm that they are
13 working with has one on staff that could just go in and say,
14 "What is there right now? What are we going to do when we
15 disturb it? And how can we revegetate it?" Maybe it's a
16 very -- It's similar to maybe the landscape plan requirement
17 that we had in there before.

18 However, then on a different site, maybe we get this
19 new RCD being proposed on a property that has been farmed for
20 50 years. Now, that kind of restoration plan would involve
21 more cost and maybe a little bit more expertise -- I don't
22 know -- just more thought to how, you know, what would be
23 natural to the site prior to it being farmland, so taking a
24 looking at maybe what is adjacent to the farmland to get an
25 idea of what was there maybe before it was farmed and then
26 coming up with a plan on how to either, I think, actively
27 convert that back to some other, you know, natural state,
28 whether it's forest land or --

29 MR. PETERSON: How far back do you go though? I
30 mean, this was once all forest.

1 MS. FREEMAN: Yeah, right.

2 MR. PETERSON: And a farm could be 200 years old.
3 Do we go back beyond that?

4 MR. IAFELICE: If I may, first of all, I agree with
5 Heather. To answer Rich's question, that's the purpose of the
6 Bullet Number 2, What is the project goal? What do you want
7 to identify?

8 MR. PETERSON: Yeah, sure.

9 MR. IAFELICE: In my experience in our firm, this is
10 ideally suited for a professional landscape architect. It is
11 not extraordinary. It is not unusual. It's not a crazy cost.
12 It is something that their professionals can do.

13 CHAIRMAN LINGENFELTER: So in your opinion, in your
14 professional opinion, you don't feel that this would put any
15 undue financial stress or, you know, any sort of onerous
16 requirement on the applicant or the developer?

17 MR. IAFELICE: No. I think it's in balance and in
18 keeping with granting the RCD in the first place, yes.

19 CHAIRMAN LINGENFELTER: Okay, thank you, appreciate
20 that. That's my only concern. My only concern is what, you
21 know, who is responsible? And then, is this going to be an
22 expensive venture? Because we, you know, I think you walk a
23 fine line, you know. I mean, it's all well and good, the
24 intention, you know. The path -- what is it -- The road to
25 ruin is paved with good intentions, correct? So, I mean, we
26 want to make sure that we don't, you know, don't put such
27 onerous tasks on the developer then this becomes an issue that
28 they don't want to be bothered with. That's my concern. We
29 want to promote this option, you know, not make it so
30 overbearing that it becomes a non-option because of those

1 requirements. That's my only concern with any of the RCD
2 stipulations.

3 I want to make sure that they're -- But I don't want
4 to put the bar so low that they just step across it and march
5 their way to, you know, march their merry way to an easy
6 process. You know, obviously, we want them to do some
7 thinking. We want to stimulate, you know, their ideas and
8 thought process and try and get the maximum use out of the
9 open space that we can, but I don't want to do it to a point
10 where it's, all of the sudden, they don't want to do it.

11 MR. PETERSON: Because you can have, especially here
12 in Concord, you can have a lot of old farm land and part of
13 that could be the land that's going to remain open. It could
14 be acres and acres. Are you asking the developer to replant a
15 forest because it was once forest or what would we be asking?
16 I mean, what are we restoring it to, what level?

17 CHAIRMAN LINGENFELTER: Well, and to Rich's point,
18 and I don't know how, you know -- you could get extreme. Do
19 we want, do you want to have a look-back period almost, or no?

20 MR. IAFELICE: No. I believe that's the purpose of
21 formulating the goals, Bullet Number 2. My suggestion,
22 Mr. Chairman, is for, since Heather has been in contact with
23 Lake Soil and Water, perhaps take these points and vet it with
24 them for their advice or review as a starting point to
25 formulate some kind of criteria.

26 CHAIRMAN LINGENFELTER: Okay. So do we want to
27 review these application items and decide which ones we want
28 to place in the, under, what would it be, 16 -- let me see
29 here, 16 -- Where is that?

30 MR. PETERSON: It's 12, right?

1 CHAIRMAN LINGENFELTER: It goes back a bit.

2 MR. IAFELICE: 16.24.

3 CHAIRMAN LINGENFELTER: It goes back a couple pages
4 here.

5 MR. IAFELICE: 16.24(F).

6 CHAIRMAN LINGENFELTER: 16.24.

7 MR. IAFELICE: (F).

8 CHAIRMAN LINGENFELTER: And then we would drop in
9 that to Item F under Restoration Plan. Do we want to, do you
10 want to read through these bullet points and try to see if we
11 want to include some of these in that?

12 MR. IAFELICE: I would defer to the expertise of
13 Lake Soil and Water to comment on them so that we can,
14 certainly, we can comment but really we don't have the
15 expertise, I believe, on something like this.

16 CHAIRMAN LINGENFELTER: What are you saying?

17 MR. IAFELICE: I am saying vet this with Lake Soil
18 and Water to see what they might suggest.

19 CHAIRMAN LINGENFELTER: We need to stay in our lane?

20 MR. IAFELICE: Yes.

21 MS. FREEMAN: I am happy to present this to Soil and
22 Water to get their feedback on these items and come back with
23 their opinion for you guys.

24 CHAIRMAN LINGENFELTER: Now, the question then I
25 have is that, if we punt this to the Lake Soil and Water,
26 okay, and let them take a look at this, can we have this in
27 time for the public hearing? Is this something -- You know
28 what I am saying? Because I see this as a, if we punt this
29 now then, you know, and we want to put this on the agenda for
30 the September 7th, you know, regularly scheduled meeting, will

1 we have this information and are we going to -- would we
2 deliberate this at the public hearing or, you know -- I am
3 just thinking about the logistics of this.

4 MR. REPERT: Mr. Chairman, I think we ought to be
5 firm going into the public hearing, not debate anything up
6 here during the public hearing. We should have a united
7 front.

8 CHAIRMAN LINGENFELTER: Right, I agree. It would be
9 awkward.

10 MR. REPERT: So that means September to October if
11 we get something back from Soil and Water.

12 CHAIRMAN LINGENFELTER: This is why I wanted to make
13 sure we got the dining, outside dining on the agenda. I had a
14 funny feeling there might be a caveat.

15 MR. REPERT: Well, yeah, I thought so.

16 CHAIRMAN LINGENFELTER: And it's reared its ugly
17 head. But I am all for, I am, just as a matter of record, I
18 am all in total agreement with what you are saying. I think
19 that would be the right idea to pass this off to the LSD and
20 let them take a look at that, you know.

21 MR. IAFELICE: Good.

22 CHAIRMAN LINGENFELTER: So do you want to give them,
23 I would give them that application section, Heather, and let
24 them take a look at that and see what they think.

25 MS. FREEMAN: Okay.

26 CHAIRMAN LINGENFELTER: And then see if we can
27 develop some criteria to include into our Item F, 16.24.

28 MS. FREEMAN: I would agree, that's the best way to
29 go.

30 CHAIRMAN LINGENFELTER: Right.

1 MS. FREEMAN: So we can get them to tell us from
2 their professional standpoint. Do you -- And maybe this is a
3 question more for Soil and Water, too, but maybe do we need to
4 clarify in here that the restoration plan should be developed
5 by a professional land, you know -- Do we need to identify who
6 is supposed to prepare that restoration plan, a landscape
7 architect or some other professional?

8 CHAIRMAN LINGENFELTER: What were your terms?

9 MR. IAFELICE: Landscape architect.

10 CHAIRMAN LINGENFELTER: Professional? Certified?

11 MR. IAFELICE: Licensed.

12 CHAIRMAN LINGENFELTER: Licensed. Yeah, I would say
13 we want to reference that to a licensed --

14 MR. REPERT: Mr. Chairman, I wouldn't limit it to
15 that.

16 CHAIRMAN LINGENFELTER: No?

17 MR. REPERT: No.

18 CHAIRMAN LINGENFELTER: Okay. Why?

19 MR. IAFELICE: Actually, yeah, second thought, I
20 would agree because there could be a soil scientist involved,
21 there could be a biologist involved in terms of this. Again,
22 without talking to the experts at Lake Soil and Water, you
23 know, to what degree do we identify here this criteria? So it
24 could involve a variety of professionals, perhaps.

25 MR. REPERT: Is it possible that we give this,
26 suggestion to Soil and Water and ask them to come back and
27 meet with us in two weeks? Can we have an off meeting to see
28 what they say outside of --

29 CHAIRMAN LINGENFELTER: What would be the compelling
30 reason to do that?

1 MR. REPERT: Get this on the agenda for
2 September 7th.

3 CHAIRMAN LINGENFELTER: Right.

4 MS. FREEMAN: Well, we'd still have to look -- We
5 can't, we couldn't schedule it any closer than 20 days. So
6 you'd have to go out 20 days from the date that you initiate
7 the amendment. It has to be at least 20 days out.

8 CHAIRMAN LINGENFELTER: So that would blow up --
9 well, and here is my thought on the September time frame. If
10 we miss September, then at that point I think we pretty much
11 are skating past prime development time. We are heading into
12 late, you know, we're heading into the fall. You know, at
13 that point in time, I don't think -- We'll probably see less
14 interest in plans, you know, heading into October, November
15 time frame. I mean, who is going to start a project of that
16 nature in November, November, December, because that's what we
17 would be looking at in order to apply those requirements.

18 So I would think that if we move this past
19 September, I don't think we're really under the gun to get
20 this on any agenda moving forward. I still -- It doesn't
21 negate wanting to get this done but I think that we,
22 certainly, I don't think we're under -- If we can't it done by
23 September, then I don't think we should worry about it from a
24 time standpoint. That's my feeling. What do you think,
25 Heather? You okay with that? Do you think that's a
26 reasonable --

27 MS. FREEMAN: Well, yeah, keep in mind that the
28 rezone, before it becomes effective, could be up to 90 days.
29 So if we have our first public hearing in October, then the
30 Trustees have their hearing, say, in November, depending on

1 how the meetings fall and because, luckily, they meet twice a
2 month. Then it could be effective still by the end of the
3 year, which then everybody would know what the new rules are
4 while they start formulating the projects for 2022, yeah.

5 CHAIRMAN LINGENFELTER: Right. So --

6 MS. FREEMAN: So, I mean, I think the timing is
7 okay, right.

8 CHAIRMAN LINGENFELTER: Yeah.

9 MS. FREEMAN: I don't want to delay it any more but
10 I think it works out.

11 CHAIRMAN LINGENFELTER: We should, I think we should
12 strive for an October public hearing on this for that very
13 reason that Heather just brought to attention.

14 MR. REPERT: I agree.

15 MS. FREEMAN: And one other thing in regards to the
16 restoration plan. Right now we have it written that it has to
17 be submitted with the final development plan, but we may want
18 to revisit that. And I am going to check with Soil and Water
19 because I think you guys would want to know up front --

20 CHAIRMAN LINGENFELTER: Right.

21 MR. IAFELICE: Yes.

22 CHAIRMAN LINGENFELTER: -- at the time of rezone
23 what the intention are.

24 CHAIRMAN LINGENFELTER: Right.

25 MS. FREEMAN: So I'm thinking that we are going to
26 change that.

27 CHAIRMAN LINGENFELTER: Yeah, we probably should
28 consider striking that or amending that verbiage.

29 MS. FREEMAN: Yeah, with the preliminary plan.

30 CHAIRMAN LINGENFELTER: And, again, I would defer to

1 Lake County to come up with maybe a recommendation on that,
2 where that should be in the mix.

3 MS. FREEMAN: Definitely at preliminary plan but
4 probably at that required joint meeting that we have between
5 the Zoning Commission and the Trustees as well, that
6 preapplication meeting. I would think that that would be --

7 CHAIRMAN LINGENFELTER: Right.

8 MS. FREEMAN: -- important to have up front before
9 they move forward with the formal application.

10 CHAIRMAN LINGENFELTER: Okay, all right. So that --
11 So you've got your marching orders on that item, Heather. We
12 know what we need to do.

13 Rich, I appreciate your input.

14 MR. IAFELICE: Thank you.

15 CHAIRMAN LINGENFELTER: Very helpful. Certainly
16 above my pay grade on this stuff.

17 Thanks for producing the document, Heather. It's a
18 very good document. I think it gives us a good guideline to
19 follow. Aside from the restoration plan, is there anything
20 else that we need to discuss?

21 MS. FREEMAN: Well, I did, I did review the
22 comments, too, that were received from -- at our meeting last
23 month and I did add in one other section as a recommendation
24 from one of our residents under the, those that are to be
25 invited to the required preapplication meeting. Sorry. Let
26 me find that section.

27 CHAIRMAN LINGENFELTER: Where are we with that?

28 MR. IAFELICE: 16.28, I think.

29 MS. FREEMAN: Thank you. I was trying to find it.
30 Where did I put that here?

1 CHAIRMAN LINGENFELTER: All right.

2 MS. FREEMAN: Yes, so under 16.28(A), in part, it
3 states that the township may also elect to invite
4 representatives from Lake County Planning Commission, County
5 Engineer. I am proposing that we also add in Stormwater
6 Management Department and Soil and Water Conservation District
7 as well. So that, too, to make sure that we invite them
8 because they are important entities that would be beneficial
9 to the township to have them here early on.

10 Again, if we have this restoration plan, they would
11 have that, they would be able to give a little feedback on
12 that, too, to the township and to the developer if that was
13 applicable, you know. It might not even be applicable. So I
14 was proposing that we put those in.

15 Other than that, I think, you know, if we could, if
16 you guys want to really, if you want to have that discussion
17 on the minimum open space, we could figured that out tonight,
18 that would make it easier, and maybe the last lingering item
19 is the components of the restoration plan then. Hopefully, I
20 can come back with a strong recommendation from Soil and
21 Water.

22 CHAIRMAN LINGENFELTER: Okay.

23 MR. REPERT: Mr. Chairman.

24 CHAIRMAN LINGENFELTER: Yes, sir.

25 MR. REPERT: I'd like to make a recommendation that
26 we have the required open space to be 30 percent with the
27 understanding that the retention basins are not part of open
28 space, a flat 30 percent.

29 CHAIRMAN LINGENFELTER: Any additional comments to
30 that?

1 MR. REPPERT: From me?

2 CHAIRMAN LINGENFELTER: Yes.

3 MR. REPPERT: Just that with the retention basins,
4 which is really, even though we don't count it, it's not going
5 to be built there, it is part of a natural environment even
6 though it's man-made. I think 30 percent would be enough.

7 CHAIRMAN LINGENFELTER: And so you're saying 30
8 percent and not allowing retention ponds or catch basins to be
9 included into that calculation?

10 MR. REPPERT: Correct. And that's what we say right
11 now. And because some of the ones we've had before did
12 include the retention basins and they were sitting, oh, maybe
13 40 but if you take them out they're going to be coming down
14 to -- I don't know -- who knows what. So if we say don't
15 include the retention basins or the retention ponds, we can do
16 it at 30 percent.

17 CHAIRMAN LINGENFELTER: Okay.

18 MR. REPPERT: I am open to flip a coin for any other
19 percentage.

20 MR. PETERSON: I think his recommendation is valid
21 because when you get down to the smaller developments, which
22 could be in the 20 acre area, that might give them an
23 opportunity to save an acre or two from 40 percent level, you
24 know. I think 30 is reasonable, assuming there are no
25 retention basins included.

26 CHAIRMAN LINGENFELTER: Well, with Hiram's
27 recommendation, with our current status, they wouldn't be
28 included. So --

29 MR. PETERSON: Right.

30 CHAIRMAN LINGENFELTER: Frank, do you have any

1 comments?

2 MR. SCHINDLER: I'd like to split the difference,
3 35, but I am agreeing with you. Split the difference in that
4 percentage. That's my opinion.

5 MR. REPERT: Rich, am I too low?

6 MR. IAFELICE: Well, Mr. Chairman?

7 CHAIRMAN LINGENFELTER: Please.

8 MR. IAFELICE: This was, this was difficult to
9 analyze from the data that Heather had provided us on
10 historical percentages. Then when you look at the historical
11 percentages, which presumably included stormwater retention --

12 MR. REPERT: Right.

13 MR. IAFELICE: Presumably, we don't -- it wasn't
14 clear to me that it did.

15 MR. REPERT: No, I think we were pretty clear back
16 then that we had --

17 MR. IAFELICE: Included.

18 MR. REPERT: -- included the retention and that's
19 why we came up and said we're not going to have that as part
20 of it.

21 MR. IAFELICE: Right. So generally those indicate
22 around 40 percent.

23 MR. REPERT: Yeah.

24 MR. IAFELICE: If I recall from the data.

25 MR. REPERT: Pretty close.

26 MR. IAFELICE: But then the multiple -- I say
27 multiple -- the density that they obtained, additional sublots
28 over the R-1, I was trying to find a ratio that made sense
29 because if it was at 40, did 40 percent yield additional
30 sublots of 10 percent? 15 percent? Does 30 percent yield the

1 same? You know what I am saying? I was -- No?

2 MR. PETERSON: No.

3 MR. REPERT: Well, did you find anything?

4 MR. IAFELICE: That's why I -- no, no, no,
5 unfortunately, no. So the 40 percent presumably included it.
6 And from a design perspective, stormwater detention seems to
7 take up 5 to 10 percent of the land area anyway. So in
8 consideration of the minimum at that 20 acres, 30 percent is a
9 reasonable requirement, excluding, of course, as the text now
10 excludes, all water resources from, stormwater retention, from
11 the calculation.

12 MR. REPERT: I personally like the sliding scale
13 but that was -- I liked that since day one but the
14 recommendation on the floor from Heather is that the
15 possibility -- And I don't know how high that possibility
16 is -- of a 20 and a 20 and then they take advantage, you know.
17 And everybody can probably do that. If they found the place,
18 the right place to do it, they could probably put two 20s
19 together and make us look like we didn't know what we were
20 doing. So if we want to get rid of the sliding scale, I'd go
21 for the 30 percent flat.

22 CHAIRMAN LINGENFELTER: Frank is proposing 35 as an
23 alternative.

24 MR. REPERT: Okay.

25 CHAIRMAN LINGENFELTER: Right, Frank?

26 MR. SCHINDLER: Yes.

27 MR. PETERSON: But 35 would penalize the smaller
28 developments.

29 MR. SCHINDLER: How many developments do you think
30 we have left in the town -- in Concord?

1 MR. PETERSON: I was looking at the Zoning Map,
2 Frank, and that's hard to tell because there is a lot of open
3 land but I can't tell by looking at it if it's developable
4 because of the terrain. But --

5 MR. SCHINDLER: Well, especially going this way, you
6 know, it's, we've got ravines and a lot more hilly land than
7 we do around the western part.

8 MR. PETERSON: Yeah. But it's easier to put in a 20
9 acre RCD and squeeze it in somewhere where there is
10 developable land, so I'd say we would probably see more of
11 those than we would big ones.

12 MR. REPERT: How big is the one off of Hoose?

13 MR. PETERSON: Canterbury?

14 MR. REPERT: Canter, Canterwood.

15 MR. PETERSON: What was -- I forget the acreage
16 there.

17 MS. FREEMAN: It's just about 34 acres.

18 MR. PETERSON: Thirty-four.

19 MR. REPERT: Thirty-four acres.

20 CHAIRMAN LINGENFELTER: And that's on the western
21 part of the township though.

22 MR. PETERSON: Yeah, that's true. That's the only
23 one we have on the western part.

24 CHAIRMAN LINGENFELTER: If you go to the east or the
25 southeastern component of the township, you're really running
26 into some tough train, you know, from a topographical
27 standpoint.

28 MR. PETERSON: That's our only RCD west of 44.

29 CHAIRMAN LINGENFELTER: Yeah. I mean, just look at
30 Noble Ridge, I think, would be a good example. You know, I

1 think what's the, what's Butterfly and what's that?

2 MS. FREEMAN: Nature Preserve.

3 CHAIRMAN LINGENFELTER: Nature Preserve. I mean,
4 you look at those, there are some, there are some lots in
5 there that are pretty challenged, you know. And that's even
6 -- That's kind of borderline, you know, in terms of where
7 we're at. You can even go further east and it gets worse. So
8 I think we're really limiting, I think we're really cutting
9 the options in a, as you go east, in terms of a larger, larger
10 overall project, you know.

11 I think, again, you run into that pooling of,
12 pooling of resources. Grabbing, you know, getting two 20 acre
13 parcels, you know what that's like, you know. The
14 negotiations and something like that, I think, really, you
15 know -- I think somebody sitting on a 20 acre parcel and they
16 know that it's going to be critical to a bigger development,
17 they're not going to just hand it over, you know. It's going
18 to be, it's going to get ugly from a negotiation standpoint,
19 so, you know, to pool two big lots together to come up with
20 one development.

21 And then you've got your sewer access capabilities,
22 your water access capabilities and that just, those are severe
23 challenges for the eastern, for the eastern part of the
24 township. I mean, even, I mean, even look at, look at what
25 Rick Colwell is doing over by the airport there. It's going
26 to be, it's going to be -- His proposal is with septic, right?
27 But then I guess, didn't they, aren't they kind of
28 discouraging?

29 MS. FREEMAN: That preliminary plan, the property
30 that Mr. Lingenfelter is referring to is about a 96 acre site

1 owned by Rick Colwell of Little Mountain Homes.

2 CHAIRMAN LINGENFELTER: Right.

3 MS. FREEMAN: He presented a preliminary plan to the
4 Lake County Planning Commission that was going to develop it
5 under R-4 using on-site septic. There was a lot of concern
6 from the Health Department in regards to that and now they're
7 reevaluating the project.

8 CHAIRMAN LINGENFELTER: Right.

9 MS. FREEMAN: Looking at possibly doing a package
10 treatment plant. So -- And, again, a lot of terrain issues, a
11 lot of water, a lot of wetlands, so I don't know how they're
12 going to develop that yet.

13 CHAIRMAN LINGENFELTER: Yeah, that's a big, that, in
14 my opinion -- and I could be wrong -- but, in my opinion,
15 that's probably one of the larger development projects that is
16 available out there right now. And I know and I had read and
17 heard that they are really starting to frown on the septic
18 solution, you know, even in an R-4, and they're really wanting
19 to, they're really starting to kind of push everything towards
20 sewer, which I've been a big proponent of for a long time.
21 I've never been a big fan of septic for those very reasons.
22 So I don't know.

23 Anyway, 30? 35? Rich, can I hear 40?

24 MR. IAFELICE: Thirty-three.

25 CHAIRMAN LINGENFELTER: We can get the auction
26 going.

27 MR. REPPERT: Thirty-three.

28 MR. IAFELICE: Well, it's two to one. Again, I
29 really was trying to draw some, some ratio because between,
30 for instance, Canterwood, the recent one, I believe, as an R-1

1 it had, was it fifty --

2 MR. REPPERT: Fifty-six, I think.

3 MR. IAFELICE: Fifty-six, and ended with sixty --

4 MS. FREEMAN: Fifty-nine, RCD, yeah.

5 MR. IAFELICE: Fifty-nine, sixty, it wasn't that --

6 MR. REPPERT: Big.

7 MR. IAFELICE: -- big. And they had, you know, a
8 good percentage of open space there. So it's like, I don't
9 want to say we're throwing a dart but, in the end, the
10 outcome --

11 CHAIRMAN LINGENFELTER: Well, we are.

12 MR. IAFELICE: The outcome is not that significantly
13 different because -- in terms of the number of building lots
14 at that smaller acreage.

15 MR. REPPERT: And I hear that Canterwood has to
16 reduce one because the cemetery isn't going to be moved; is
17 that right? Have you heard that?

18 MS. FREEMAN: The developers of that site have asked
19 the Trustees to -- They have submitted to me, actually, an
20 amended preliminary plan which, based on my review, is going
21 to have to go back to the Trustees for a public hearing. It
22 was considered a major modification. So that has not happened
23 yet but they are looking to amend their proposal.

24 MR. SCHINDLER: To keep the cemetery?

25 MS. FREEMAN: And they're basing it something on the
26 cemetery but they're still talking about disinterring the
27 cemetery and moving it. But based on the correspondence to
28 me, they were not, the timing of doing that was up in the air.
29 And so they still wanted to be able to build lots and kind of
30 deal with that as -- and not have that hang up them being able

1 to develop a couple of homes nearby. So --

2 MR. SCHINDLER: Who is in the cemetery? Is it their
3 family or is there --

4 MS. FREEMAN: There were --

5 MR. SCHINDLER: Or historical, historical?

6 MS. FREEMAN: Our cemetery sexton has done some
7 research on it. There's a couple headstones with four or five
8 names. I am sorry. I don't have all the information on it
9 but --

10 MR. SCHINDLER: So we don't know whether these might
11 be Confederate soldiers or something?

12 MS. FREEMAN: I don't think there is any historical
13 significance as far as that but that would be part of what the
14 developer has to do. It's part of their due diligence to
15 disinter that and move that. There is a whole process that
16 they have to go through with the Ohio Revised Code, including
17 notifying any known heirs or --

18 CHAIRMAN LINGENFELTER: Well, the township has
19 basically washed its hands of it, right? They're not, we're
20 not, the township is not going to --

21 MS. FREEMAN: Correct.

22 CHAIRMAN LINGENFELTER: Right.

23 MS. FREEMAN: The Trustees have indicated in the
24 past that they were not going to pay or participate in any of
25 that.

26 Sorry. We're getting a little off track. What were
27 we talking about?

28 MR. REPPERT: Well, 30, 35.

29 CHAIRMAN LINGENFELTER: Here is my thought. As a
30 board, everything we do, technically, is not cast in concrete,

1 right? It's not carved in stone. We have the ability to go
2 back, revisit. So if we settle on a number and then we, you
3 know, we can always change it, right, Heather?

4 MS. FREEMAN: Yeah. I mean, once you go into public
5 hearing and we get a recommendation from Planning --

6 CHAIRMAN LINGENFELTER: Right.

7 MS. FREEMAN: You know, they might have something,
8 recommend something different or new information for you to
9 consider or depending on what the public says, you've got that
10 ability to approve the text changes with modifications to
11 anything --

12 CHAIRMAN LINGENFELTER: Right.

13 MS. FREEMAN: -- you know, that you are proposing to
14 change.

15 CHAIRMAN LINGENFELTER: So I don't, I mean, I'm not
16 a big fan of getting into the odd numbers. Okay? We've got
17 30. We've got 35. I don't want to go to 33 or 32 and a half,
18 split the difference.

19 MR. IAFELICE: That was in jest.

20 CHAIRMAN LINGENFELTER: I understand. But I am just
21 saying, I mean, I think we should, let's plant a flag on a
22 number. Okay?

23 MR. IAFELICE: Yeah.

24 CHAIRMAN LINGENFELTER: And whether we all agree or
25 disagree, it doesn't matter. That's why we have five people
26 here. We take a vote and we decide and then we have the
27 opportunity to amend that. Okay? So we can always revisit.
28 And if we get an outpouring of comments and good ideas from
29 the public in the public hearing, we have the ability to make
30 a change. Okay?

1 MR. IAFELICE: True.

2 CHAIRMAN LINGENFELTER: And I think that will, I
3 think that gives us a little piece of mind. Yes? No?

4 MR. SCHINDLER: Yeah. The biggest thing I think,
5 let's put it this way: We're always trying to encourage
6 developers to use this zoning, conservation zoning. And if we
7 make it too restrictive, they're just going to stick and
8 develop it the way it is zoned right now. So we have to give
9 them, I feel, some kind of a carrot, you know. So if we make
10 it desirable for them to want to do this for us, it's a win
11 for them and it's going to be a win for us, as a township.

12 So if it's a number, fine. If it's not a number --
13 But we have to do something, I think, that's going to make it
14 desirable for the developer to do this.

15 CHAIRMAN LINGENFELTER: Rich Peterson?

16 MR. PETERSON: Well, living in an RCD, I am a fan of
17 RCDs and I would like to encourage more of those in the
18 future. I'd like to see preservation of open space.

19 MR. SCHINDLER: Right.

20 MR. PETERSON: I like to see preservation of trees.

21 MR. SCHINDLER: Sure.

22 MR. PETERSON: That's why I like 30 percent. I
23 don't want to discourage developers from adapting that type of
24 zoning. So I am with Hiram, 30 is my number.

25 MR. SCHINDLER: Okay, fine. I can move if 30 sounds
26 reasonable. Especially you know a lot about the work and the
27 development, planning and stuff, so I appreciate your opinion.

28 MR. IAFELICE: Great.

29 MR. SCHINDLER: If that seems to be a number for
30 you, then I will go along.

1 MR. IAFELICE: I can roll with that. Do you like
2 that?

3 CHAIRMAN LINGENFELTER: My homey?

4 MR. IAFELICE: Yeah, yeah.

5 CHAIRMAN LINGENFELTER: All right, very good. So
6 then 30 percent. We okay with that?

7 MR. REPPERT: How about if we just put in here --

8 CHAIRMAN LINGENFELTER: Oh, Hiram, don't start.

9 MR. REPPERT: How about if we put in here 30 percent
10 minimum.

11 CHAIRMAN LINGENFELTER: Okay.

12 MS. FREEMAN: Yes, yeah.

13 CHAIRMAN LINGENFELTER: That's a good add.

14 MR. REPPERT: That might solve -- We might get 35
15 but if we put a minimum, that's it.

16 MS. FREEMAN: Yes.

17 CHAIRMAN LINGENFELTER: All right. We will add the
18 caveat of minimum, 30 percent minimum. Are we okay with that?
19 I see a lot of nodding of heads. I don't see anybody --

20 MR. IAFELICE: Yes.

21 MR. REPPERT: Yes.

22 MR. PETERSON: Yes.

23 CHAIRMAN LINGENFELTER: -- opposed.

24 MR. SCHINDLER: Yes.

25 CHAIRMAN LINGENFELTER: Okay, all right. So let's
26 do 30 percent on the open space requirement not including
27 catch basins and stormwater management.

28 MS. FREEMAN: Right, in addition to all the other
29 items we already have listed in there, right, yeah.

30 CHAIRMAN LINGENFELTER: Correct, yes, yes, yes.

1 Anything else? Heather, anything else?

2 MR. REPERT: Yes, Mr. Chairman.

3 CHAIRMAN LINGENFELTER: Oh, Hiram, please. You're
4 on a roll.

5 MR. REPERT: Well, I don't know.

6 CHAIRMAN LINGENFELTER: Go for it.

7 MR. REPERT: I am confused. And I am sure somebody
8 on the Board can, or Heather, can help me out here. On 16.18,
9 Item C, which is Open Space Design Criteria.

10 CHAIRMAN LINGENFELTER: Wait a minute. I want to
11 get with the program here. 16.18?

12 MR. REPERT: Yeah. The bottom portion, Item C,
13 subitem (b), at the end of it we say, "Additional passive
14 recreational opportunities are possible with prior approval
15 that encourage the connection of natural and open space areas,
16 provide for scientific research, or for restoration
17 activities."

18 My question is, number one, I don't understand.
19 Number two, are we getting too accommodating? Can't we just
20 say "encourage the connection of natural and open space
21 areas," period?

22 CHAIRMAN LINGENFELTER: So you're thinking drop the
23 passive recreational opportunities?

24 MR. REPERT: Well, and provide scientific research.

25 CHAIRMAN LINGENFELTER: So you're saying drop
26 "passive recreational opportunities and provide for scientific
27 research"?

28 MR. REPERT: Well, mine says -- I don't know if
29 we're reading from the same set or not. Mine says,
30 "Additional passive recreational opportunities are possible

1 with prior approval that encourage the connection of natural
2 and open space areas, provide for scientific research, or for
3 restoration activities." When I, when I think "provide for
4 scientific research or for restoration activities," I think
5 we're getting too accommodating. Throw this out. Take your
6 pick. Why don't we just drop that and end the sentence with
7 "connection of natural and open space areas"? When I read
8 this, I just didn't see the meaning, I didn't.

9 MR. IAFELICE: Mr. Chairman, I think Hiram has a
10 good point.

11 Heather, was this added, the scientific research?

12 MS. FREEMAN: This was recommended by Soil and
13 Water. And, you know, just what we were talking about just
14 previously, prior to this, the restoration, you know, that's
15 something that we would to allow to happen in there. So I
16 would think that we would want to explicitly state that they
17 could do the restoration activities. So if they present that
18 restoration plan to the township and we were good with it,
19 this would give them the ability to go in there and actually
20 do that.

21 CHAIRMAN LINGENFELTER: But that's a separate issue.

22 MR. IAFELICE: That's a separate issue.

23 CHAIRMAN LINGENFELTER: That's a separate issue
24 altogether, correct? So is it redundant by putting it in here
25 again because we're already addressing it in the other area
26 under F.

27 MR. IAFELICE: I think Hiram's point is that the
28 subject of the statement is passive recreation. Passive
29 recreation and encourage the connection of natural -- Going to
30 scientific research and restoration has nothing to do with

1 passive recreation, I believe. I think that's your point. I
2 don't -- It's to elaborate, it goes beyond --

3 MR. REPPERT: Yeah.

4 MR. IAFELICE: -- passive recreation.

5 MR. REPPERT: I don't know. Take it --

6 MS. FREEMAN: I know what you are saying, okay.

7 MR. REPPERT: I am not adamant about it. I am just
8 asking the question. Are we getting too accommodating?

9 CHAIRMAN LINGENFELTER: I agree.

10 MR. IAFELICE: I agree.

11 CHAIRMAN LINGENFELTER: I was not a big fan of the
12 passive recreation in the first place. So I wouldn't, I
13 wouldn't -- You won't get any pushback from me on striking
14 that.

15 MR. PETERSON: Depends on how you define "passive
16 recreation" though, right?

17 MR. IAFELICE: Yeah.

18 CHAIRMAN LINGENFELTER: That's, the devil is always
19 in the details.

20 MR. PETERSON: Bird watching?

21 MS. FREEMAN: I think we want to, you know, allow
22 some use of that open space with approval by the township to
23 potentially create these passive, you know, what could be
24 considered passive recreation, kind of, trail through the
25 woods that --

26 CHAIRMAN LINGENFELTER: Well, help me. If we have
27 open space in a development, right, don't the residents have
28 access? Is there like no trespassing or is there -- Don't the
29 residents have access to the open space?

30 MS. FREEMAN: They do have access to it. But with

1 allowing them to create a trail, you might be able to take a
2 look at the open space and say, okay, clearing this little
3 path here between all these trees could create a potential
4 connection to, say, they're abutting like a metropark or
5 something. So the residents that live in that RCD could
6 potentially create a trail that would get them to another
7 location, just an example.

8 Because the way it's currently written, based on the
9 existing -- Let's see. Hold on. Let me take a look at our
10 definition again of the open space here because we have a
11 specific definition for "open space" under 16.24. And I know
12 that legal counsel had originally helped us write this.

13 So I don't know, Abby, if you might want to chime in
14 a little bit about, you know, the definition that we're
15 proposing in 16.24(A) and what that means as far as potential
16 passive recreation. Can you help us out a little bit?

17 MS. BELL: Let me get to it.

18 MR. REPERT: Where you, Heather?

19 MR. PETERSON: Page 16.17.

20 MS. FREEMAN: Yeah.

21 MR. PETERSON: At the bottom of the page, page
22 16.17, not Section 16.17.

23 MR. REPERT: Page 16.17.

24 MR. SCHINDLER: 16.24.

25 MS. BELL: So that was just kind of, as Heather
26 outlined, would be allowing for some sort of walking path, you
27 know, minimally invasive recreational activities, things like
28 that.

29 CHAIRMAN LINGENFELTER: Well, see, you know, once
30 again, if you read that, if you read (b), C section, Open

1 Space Design Criteria, and then under (b), it says that any
2 designated -- "Any area designated as open space shall be
3 preserved in its natural state for the enjoyment of residents
4 of the proposed development." So there is additional passive
5 recreational opportunities. Isn't that kind of already,
6 wouldn't you consider that as a part of the enjoyment of the
7 residents or is that, do you want to, do we have to then
8 define what passive recreational opportunities are?

9 MR. SCHINDLER: Maybe if we put in a couple of
10 examples, you know, it would open people's minds. You said
11 bird watching.

12 CHAIRMAN LINGENFELTER: I mean, Rich, if a guy shows
13 up in your back yard with a pair of binoculars and he's
14 telling you he's bird watching, you know, what's he really
15 watching, right? How do you know?

16 MR. PETERSON: But that is a passive recreation.

17 MR. SCHINDLER: But it is, yeah.

18 CHAIRMAN LINGENFELTER: That's right.

19 MR. SCHINDLER: They do that a lot out in Mentor
20 Marsh. Mentor Marsh does that because they have big trails
21 they put in Mentor Marsh ever since it caught fire years ago.
22 Now they have it all, it's growing up now. It's all natural.
23 Birds are coming back and other kinds of animals, you know,
24 coming back in there. I was watching public TV a couple weeks
25 ago about that because I thought, "Man, that's nice, you know.
26 People are enjoying it."

27 Do you consider that passive? That's Mother Nature
28 bringing everything back the way it was. So put a couple
29 examples in and leave it at that, if we want to go that far
30 because that explains.

1 CHAIRMAN LINGENFELTER: I go back to Hiram's point.

2 MR. SCHINDLER: Take it out altogether?

3 MS. FREEMAN: Abby, do you mind? Are we, you know,
4 is the township open to some, you know, if we don't allow any
5 kind of use within the open space other than leaving it just
6 as is, are we subject to any kind of legal implications on
7 that? Is there any reason why --

8 MS. BELL: No. I mean, that shouldn't be an issue,
9 right? We're not going to set booby traps for things like
10 that. That shouldn't be a problem.

11 MR. SCHINDLER: Well, if we're going to have Soil
12 and Water do an investigation on what Heather just brought in
13 this evening, we can bring that up as another topic to discuss
14 again for clarification.

15 CHAIRMAN LINGENFELTER: It's a Tommy Tuffy. Let's
16 go back and talk about 30 percent.

17 MR. SCHINDLER: Well, we have five members and we
18 have five members that have their own interpretation.

19 MR. IAFELICE: Yeah.

20 MR. SCHINDLER: So, you know, how is the best way to
21 address it? Like Hiram said, maybe just eliminate it, take it
22 out altogether and then we won't have to worry about the
23 clarification. Like Andy said, just take it out.

24 CHAIRMAN LINGENFELTER: How do we structure that
25 sentence? What's your thoughts? Hiram, do you -- What, how
26 did you say we should make that sentence?

27 MR. REPPERT: Stop it at "connection of natural and
28 open space areas."

29 CHAIRMAN LINGENFELTER: So you're saying strike
30 "additional passive recreational opportunities are possible

1 with prior approval that encourage the"?

2 MR. IAFELICE: No, no, no.

3 MR. PETERSON: He's only striking the last line.

4 MR. REPERT: No, strike "provide for scientific
5 research, or for restoration activities."

6 CHAIRMAN LINGENFELTER: Ah.

7 MR. IAFELICE: Yeah.

8 CHAIRMAN LINGENFELTER: Okay. So you want to leave
9 the "passive recreational opportunities" intact.

10 MR. REPERT: Hey.

11 CHAIRMAN LINGENFELTER: I misunderstood you.

12 MR. REPERT: Okay.

13 CHAIRMAN LINGENFELTER: Which is okay.

14 MR. REPERT: And I am not -- Don't get me wrong. I
15 am not adamant about this. We can keep the whole thing the
16 way it is.

17 CHAIRMAN LINGENFELTER: Don't start backpedaling,
18 Hiram.

19 MR. REPERT: No, I am not. I am just telling you
20 that I didn't understand the need for providing for scientific
21 research or for restoration activities.

22 CHAIRMAN LINGENFELTER: Right, I agree.

23 MR. REPERT: That just confused me.

24 CHAIRMAN LINGENFELTER: Yeah. And I think the
25 restoration activities is already included under that section
26 under F, whatever the other component was. What was that,
27 same section, what is it, 16.24(F).

28 So all right. Any further discussion on this?

29 Let's come to a decision, gentlemen. So we're going to strike
30 "provide for scientific research, or restoration activities."

1 So you are saying, "the connection of natural resource and
2 open space areas," period.

3 MR. PETERSON: Right.

4 MR. REPERT: Correct.

5 CHAIRMAN LINGENFELTER: "Provide for scientific
6 research, or restoration activities" shall be stricken.

7 MR. PETERSON: I am okay.

8 CHAIRMAN LINGENFELTER: Rich, you okay with that?
9 Rich, you okay with that?

10 MR. IAFELICE: Yes.

11 CHAIRMAN LINGENFELTER: Frank, you okay with that?

12 MR. SCHINDLER: That's fine, sure.

13 CHAIRMAN LINGENFELTER: Hiram, we know you're okay
14 with it because it was your idea.

15 MR. REPERT: Yes.

16 CHAIRMAN LINGENFELTER: Unless you are walking it
17 back.

18 MR. REPERT: No, correct.

19 CHAIRMAN LINGENFELTER: He's not walking back, so we
20 are good. I am okay with that, too. I still have some
21 heartburn with passive recreation but that's okay.

22 MR. REPERT: Heather, are you okay with that?

23 MS. FREEMAN: Yes.

24 CHAIRMAN LINGENFELTER: All right, okay. So,
25 Heather, we're going to strike that last part of that
26 sentence.

27 MS. FREEMAN: Okay.

28 CHAIRMAN LINGENFELTER: We're going to drop a period
29 right behind "areas" --

30 MR. SCHINDLER: Areas.

1 CHAIRMAN LINGENFELTER: -- and eliminate the rest of
2 that.

3 MS. FREEMAN: Got it.

4 CHAIRMAN LINGENFELTER: Okay.

5 MR. REPERT: Whenever we say "opportunities are
6 possible with prior approval," whose approval? Your approval?

7 MR. PETERSON: It could be homeowners' association
8 because that's who controls it.

9 CHAIRMAN LINGENFELTER: Not always.

10 MR. PETERSON: Well, most of them. Who controls it
11 otherwise?

12 MR. SCHINDLER: Right now --

13 CHAIRMAN LINGENFELTER: The township has Summerwood.

14 MR. PETERSON: They do?

15 CHAIRMAN LINGENFELTER: Uh-huh.

16 MR. PETERSON: Ours is homeowners.

17 CHAIRMAN LINGENFELTER: Right.

18 MR. SCHINDLER: We have a couple developments that
19 are handled by a private, outside private --

20 CHAIRMAN LINGENFELTER: And there is a lot of
21 encouragement to land management or land conservancies.

22 MR. SCHINDLER: Yes, right.

23 CHAIRMAN LINGENFELTER: Things of that nature, too.

24 MR. PETERSON: So it would be the approval of the,
25 whoever is in charge, correct, whoever in the particular
26 development? Wouldn't that make sense?

27 CHAIRMAN LINGENFELTER: I see a can of worms with
28 that one.

29 MS. FREEMAN: I would think that the township would
30 want to review and approve that.

1 CHAIRMAN LINGENFELTER: Right.

2 MR. REPERT: That comes up a little bit later, too,
3 when you say approval. And my question is, whose?

4 MS. FREEMAN: Yeah. Is it the town -- Is it during,
5 you know, if it happens, if they plan it at the get-go, you
6 know, when they present the preliminary plan then it's, in
7 essence --

8 MR. SCHINDLER: It's adopted.

9 MS. FREEMAN: -- the Trustees that approve it.

10 CHAIRMAN LINGENFELTER: Right.

11 MR. SCHINDLER: Yeah.

12 MS. FREEMAN: You know, and even at the final
13 development plan, if it is something they plan, it gets
14 approved by the Trustees. So if it's after the fact and the
15 whole development is already in place and then the homeowners'
16 association decides they want to do something like that, it
17 still should be approved by the township. So let me work on
18 that a little.

19 MR. REPERT: How are you going to know?

20 MS. FREEMAN: Right. I mean, they'll have to submit
21 some kind of plan that we would then --

22 MR. PETERSON: Get a permit for \$500.

23 MS. FREEMAN: -- vet with Soil and Water, you know.
24 And then this is something, additional conversation we can
25 have with Soil and Water about, you know, how they might
26 assist the township in reviewing some kind of potential plan
27 to do that.

28 CHAIRMAN LINGENFELTER: Right. I think the verbiage
29 with "possible" and "prior approval" helps us out there. It's
30 not guaranteeing anything. It's basically, you know, giving

1 us an opportunity to have a little bit of direction on that.
2 So I think I'm okay with that.

3 MS. FREEMAN: I will come back and define that a
4 little bit better for you guys.

5 CHAIRMAN LINGENFELTER: All right.

6 MS. FREEMAN: Good.

7 CHAIRMAN LINGENFELTER: Anything else?

8 MR. REPERT: Oh, yes, yeah.

9 CHAIRMAN LINGENFELTER: Oh, my.

10 MR. REPERT: I have a few. I'm sorry. I am going
11 through this again and again and again and I want to make sure
12 I like it.

13 Next page, we get in here with item (e), "Any area
14 within the designated open space is to be preserved in its
15 natural state. Any land disturbing activities within the open
16 space shall be previously approved, shall be minimal, and
17 restored immediately in accordance with an approved
18 restoration plan."

19 And we're saying that approval is now going to be,
20 in this case, the township. Should we say so or is that
21 implied? I would rather have it explicit as opposed to
22 implied.

23 CHAIRMAN LINGENFELTER: Where were you at on that,
24 Hiram?

25 MR. REPERT: 16, well, page 16.19.

26 CHAIRMAN LINGENFELTER: Yep.

27 MR. REPERT: Item Echo, (e).

28 CHAIRMAN LINGENFELTER: Ownership and Maintenance?

29 MR. REPERT: Any area, stormwater -- no, no, "Any
30 area within the designated open space," Item (e). We have two

1 approves there and I just want to know by who.

2 MS. FREEMAN: Yeah.

3 CHAIRMAN LINGENFELTER: Oh, that (e).

4 MR. IAFELICE: That (e).

5 CHAIRMAN LINGENFELTER: I was looking at the wrong
6 E.

7 MR. IAFELICE: I know.

8 CHAIRMAN LINGENFELTER: I'm like, why is it not, I'm
9 not seeing --

10 MR. REPERT: Oh, you were looking at the big E.

11 CHAIRMAN LINGENFELTER: I was looking at the big E,
12 not the little e.

13 MR. REPERT: I should have said the small e.

14 CHAIRMAN LINGENFELTER: But you didn't.

15 MR. REPERT: I didn't. So is that, should we put
16 that in there or should we just assume that it's going to be
17 coming back through this office?

18 MS. FREEMAN: Abby, do we think it's necessary that
19 we should say like "by the township" or do you think --

20 MS. BELL: This, to me, this seems to imply that it
21 means the township. But if you want to make it more explicit,
22 there is no harm in that, right?

23 CHAIRMAN LINGENFELTER: So you want a definition of
24 by whom.

25 MR. REPERT: I think that's only fair.

26 MS. FREEMAN: Why don't we say "by the township"
27 because then, on the later section, we talk about that this
28 plan would have to be submitted and we were talking about
29 changing it to the, at the preliminary, at least initially
30 during the preliminary plan.

1 CHAIRMAN LINGENFELTER: So then what we want to
2 say --

3 MS. FREEMAN: Potentially, the final plan, and both
4 those plans are approved by the township.

5 CHAIRMAN LINGENFELTER: So we want to say "shall be
6 previously approved by the township"? Would that make you --

7 MR. REPERT: Oh, that would be great if that's what
8 we have to do.

9 CHAIRMAN LINGENFELTER: Right.

10 MS. FREEMAN: Okay.

11 CHAIRMAN LINGENFELTER: Counselor, is that, are we
12 okay with that?

13 MS. BELL: I am fine with that.

14 CHAIRMAN LINGENFELTER: All right. So we can say,
15 so then we will add in the sentence, "Any land disturbing
16 activities within the open space shall be previously approved
17 by the township."

18 MR. REPERT: And "shall be minimal, and restored
19 immediately in accordance with an approved restoration plan,"
20 which is has already been approved by the township.

21 CHAIRMAN LINGENFELTER: Right.

22 MR. REPERT: Okay. I am good.

23 CHAIRMAN LINGENFELTER: Next.

24 MR. REPERT: Next, next page.

25 CHAIRMAN LINGENFELTER: I knew there was more.

26 MR. REPERT: 16.20.

27 CHAIRMAN LINGENFELTER: 16.20.

28 MR. REPERT: And, Rich, you can help me out. Rich
29 Peterson, you can help me out here.

30 MS. FREEMAN: Sixteen what?

1 MR. PETERSON: Okay. I will be glad to.

2 MR. REPERT: Page 16.20, top of the page, "It is
3 strongly desired that the open space is protected with a
4 conservation easement held by a conservation organization,"
5 such as, give me one. Anybody know of one?

6 MR. IAFELICE: Sure.

7 MR. REPERT: Okay. Give me one.

8 MR. IAFELICE: Western, what's the --

9 CHAIRMAN LINGENFELTER: Western Reserve Conservancy.

10 MR. IAFELICE: Western Reserve Conservancy.

11 CHAIRMAN LINGENFELTER: Land Bank.

12 MR. IAFELICE: Land Bank.

13 MR. REPERT: And they would do something like that?

14 MR. IAFELICE: Oh, yes.

15 MR. REPERT: Okay.

16 MR. IAFELICE: Oh, yes.

17 MR. REPERT: That's all I want to know because I am
18 not familiar.

19 MR. IAFELICE: Yes, yes.

20 CHAIRMAN LINGENFELTER: Yes, there are a couple.

21 MR. IAFELICE: Yes.

22 MR. REPERT: Okay. I think, I think this is the
23 last one. I'm not sure.

24 CHAIRMAN LINGENFELTER: You have more?

25 MR. REPERT: Yeah. Oh, no, no, this is the last
26 one.

27 MS. FREEMAN: Also, Hiram, just to say another
28 example is, I know that some of the developers have been
29 talking with Soil and Water, actually, about holding a
30 conservation easement.

1 MR. IAFELICE: Yeah,

2 MS. FREEMAN: So there is a potential with the
3 County Soil and Water, in addition to Western Reserve Land
4 Conservancy.

5 MR. REPERT: It could be a moneymaker for them.

6 MS. FREEMAN: I don't know if they would make money
7 off of it. I mean, they would have to assess some kind of fee
8 for the monitoring of the open space.

9 MR. REPERT: Yeah, yeah.

10 MS. FREEMAN: Which, from the township's
11 perspective, having that annual monitoring would be great,
12 looking for encroachment, things like that.

13 MR. REPERT: Last one, 16 --

14 CHAIRMAN LINGENFELTER: This is the last one?

15 MR. REPERT: I think.

16 CHAIRMAN LINGENFELTER: This is it?

17 MR. REPERT: On this.

18 CHAIRMAN LINGENFELTER: Okay, all right.

19 MR. REPERT: On RCDs.

20 MR. IAFELICE: Promise?

21 MR. REPERT: Yeah. 16.22.

22 CHAIRMAN LINGENFELTER: 16.22. Are we referencing
23 the page number?

24 MR. REPERT: Page number now.

25 CHAIRMAN LINGENFELTER: Okay.

26 MR. REPERT: Section 16.28(A)(1), (2), oh, man.

27 CHAIRMAN LINGENFELTER: I am with you.

28 MR. REPERT: Down in there, you've got to put
29 "shall include the following: Location, width," and so on and
30 so forth. Should we have street layouts in there? That's a

1 question.

2 The second one is school districts. We just had
3 some comments coming through on, what, Canterwood because
4 we're servicing two school districts, that they wanted to see
5 the demarcation as to where the school districts were. So
6 maybe if it splits two school districts, we ought to have that
7 on the sketch plan.

8 MS. FREEMAN: I'd have to look. I don't think
9 that's something we require at preliminary plan. Did you
10 check or -- I don't think we -- Yeah, that wouldn't hurt. I
11 mean --

12 MR. REPERT: Should we have street layout on that
13 sketch plan? Right now, I don't see --

14 MS. FREEMAN: Do we have it in here?

15 MR. REPERT: Yes, I do see it, okay. Street layout
16 is in there, Item (c). And I don't really care if we put in
17 school districts. The one comment came through on Canterwood
18 that said --

19 MR. IAFELICE: It did.

20 MR. REPERT: -- "I don't like it. It's serving two
21 school districts." Well, too bad, that's the way you laid
22 them out, folks. But I withdraw my comment. It doesn't seem
23 like it's getting too much attention.

24 CHAIRMAN LINGENFELTER: I think, in the unique sense
25 of a potential school district split, that's not a bad idea.
26 I mean, that's --

27 MR. SCHINDLER: How is that making an advantage or
28 disadvantage to this type of legislation? What does it mean?
29 Does it mean people that are moving in have to know that as
30 part of the agreement for moving into a development, which

1 district their kids are going to be going to? Is this
2 something that we have to point out to them? I mean, most
3 parents know where their kids are going to school, don't they?

4 MR. IAFELICE: Well, this section --

5 CHAIRMAN LINGENFELTER: I think you would be amazed.

6 MR. IAFELICE: Yes, yes.

7 CHAIRMAN LINGENFELTER: Don't assume anything.

8 MR. SCHINDLER: Oh, really? Okay, all right. It's
9 just point of discussion.

10 MS. FREEMAN: I think there is some developments
11 where they design lots where the school district boundary is
12 right in the middle of a lot, so then you build a house right
13 between two different school districts and that is not the
14 ideal, you know, development.

15 MR. IAFELICE: Yeah, yeah.

16 MS. FREEMAN: So maybe it would eliminate some of
17 that in the future.

18 MR. IAFELICE: Yeah, so Heather has a good point.
19 My second home in Brightwood Lakes, the school district line
20 went through our property. As it turns out, the law is where
21 the master bedroom is located.

22 CHAIRMAN LINGENFELTER: Are you serious?

23 MR. IAFELICE: Yes, it is.

24 MR. REPPERT: Yes.

25 CHAIRMAN LINGENFELTER: No kidding.

26 MR. IAFELICE: Yeah.

27 MR. SCHINDLER: No kidding.

28 MR. IAFELICE: Yes.

29 CHAIRMAN LINGENFELTER: So where did they go?

30 MR. IAFELICE: St. Gabriel.

1 CHAIRMAN LINGENFELTER: Really?

2 MS. FREEMAN: Private.

3 MR. PETERSON: Which is easier.

4 MR. REPPERT: That solves it, St. Gabe's.

5 MR. IAFELICE: Can you take that off the -- Yeah,

6 St. Gabe's.

7 CHAIRMAN LINGENFELTER: Where would they have gone?

8 MR. PETERSON: Painesville.

9 CHAIRMAN LINGENFELTER: Really?

10 MR. PETERSON: Riverside.

11 MR. PETERSON: Yeah, because of where the master

12 bedroom is. The house was split between Mentor and

13 Painesville.

14 CHAIRMAN LINGENFELTER: You're kidding.

15 MR. REPPERT: Same thing happened to me.

16 CHAIRMAN LINGENFELTER: Did you know that?

17 MR. IAFELICE: Yes, yes.

18 CHAIRMAN LINGENFELTER: So when you bought the

19 house, you knew that?

20 MR. IAFELICE: Yes, yes. But we were --

21 CHAIRMAN LINGENFELTER: Didn't matter but --

22 MR. IAFELICE: It didn't matter.

23 CHAIRMAN LINGENFELTER: Right. But I'm just saying,

24 you knew that?

25 MR. IAFELICE: Yes.

26 CHAIRMAN LINGENFELTER: Wow.

27 MR. SCHINDLER: Did it also mean you might have two

28 different types of buses coming down the street?

29 MR. IAFELICE: That was, believe me, that was the

30 issue. We had both buses.

1 MR. SCHINDLER: No kidding.

2 MR. IAFELICE: Yeah.

3 MR. SCHINDLER: So you had double the traffic
4 picking up kids.

5 MR. IAFELICE: If you miss one, grab the other. No.

6 MR. SCHINDLER: No, because one bus went this way,
7 the other bus went that way.

8 MR. IAFELICE: Yeah.

9 MR. SCHINDLER: So, okay.

10 CHAIRMAN LINGENFELTER: Wow.

11 MR. SCHINDLER: Point well taken.

12 MR. IAFELICE: Until you brought it up, I forgot.

13 MR. SCHINDLER: And that's something the realtor is
14 supposed to know when people are buying.

15 CHAIRMAN LINGENFELTER: Wow, you think you heard it
16 all. Okay. So do we want to include schools, school
17 districts in there as we're naming corporation lines, lot
18 tract, township, county and state, school district. I mean,
19 it's not that big of a deal to throw those two words in there.

20 MR. SCHINDLER: No, not at all.

21 CHAIRMAN LINGENFELTER: Right? It wouldn't hurt.

22 MR. SCHINDLER: No.

23 CHAIRMAN LINGENFELTER: Although I know we
24 probably -- Well, there are, I mean, on the boundaries, we
25 have got Chardon, you know, you've got --

26 MR. SCHINDLER: Yes.

27 CHAIRMAN LINGENFELTER: You know, so there are some
28 areas that could be affected by that, so I think that's not a
29 bad idea. Okay? All right.

30 Are you done, sir?

1 MR. REPPERT: With the RCD, yes.

2 MS. FREEMAN: I am sorry. Did we want to stick --
3 Where did you want to put that, just like maybe after
4 "corporation lines"?

5 CHAIRMAN LINGENFELTER: Wherever you're in the mood.

6 MR. IAFELICE: Yeah.

7 MR. SCHINDLER: Yeah.

8 MS. FREEMAN: All right, okay.

9 MR. REPPERT: Wherever you want, wherever it fits.

10 CHAIRMAN LINGENFELTER: Just insert it.

11 MS. FREEMAN: Okay.

12 CHAIRMAN LINGENFELTER: All right. Anything else,
13 Hiram?

14 MR. REPPERT: I am done.

15 CHAIRMAN LINGENFELTER: Are you sure?

16 MS. FREEMAN: For now.

17 MR. REPPERT: With the RCD, yes.

18 CHAIRMAN LINGENFELTER: So then you're not done.

19 MR. PETERSON: There is not much left.

20 MR. SCHINDLER: What else have we got on the agenda?

21 CHAIRMAN LINGENFELTER: Anything else? So we're
22 settled at 30 percent. We're settled at the inclusion of Lake
23 County Soil and Water to come up with some information on
24 the --

25 MS. FREEMAN: I am going to share some of the
26 information that I received and get their feedback, yes.

27 CHAIRMAN LINGENFELTER: For the restoration plan.
28 We're good with that. We're good with adding school
29 districts. We're good with striking the sentence out of, out
30 of -- the line on scientific research. We're good with

1 including "by the township" on the approval. Well, you're
2 like, you're batting a thousand there, Hiram. You found a
3 very accommodating board tonight. Good for you.

4 MR. REPERT: Money talks.

5 CHAIRMAN LINGENFELTER: So we're all good with the
6 changes we've recommended. All right. Heather, you are clear
7 on what needs to be done?

8 MS. FREEMAN: Yes.

9 CHAIRMAN LINGENFELTER: Okay, super. Do you have
10 any questions?

11 MS. FREEMAN: No.

12 CHAIRMAN LINGENFELTER: Do you have anything that we
13 need to discuss further?

14 MS. FREEMAN: No.

15 CHAIRMAN LINGENFELTER: Wow.

16 MR. SCHINDLER: On these points here were all agreed
17 upon, too, right?

18 MS. FREEMAN: Oh, I will update that. I'll update
19 that for next month, yeah. That was just basically to
20 summarize all the potential changes and get in preparation for
21 a motion.

22 MR. SCHINDLER: Okay.

23 MS. FREEMAN: So I will modify that.

24 CHAIRMAN LINGENFELTER: Okay.

25 MR. SCHINDLER: Thank you.

26 CHAIRMAN LINGENFELTER: All right. So I will
27 consider this work session for the RCD district over at this
28 point because I don't hear anything else, any other --

29 MR. SCHINDLER: Right.

30 CHAIRMAN LINGENFELTER: Okay. We good? All right.

1 All right. Moving on to, in New Business, Item
2 Number 4 on the agenda is the approval of minutes by the
3 July 6, 2021, Zoning Commission.

4 MR. REPERT: Mr. Chairman, I have one correction or
5 one addition.

6 CHAIRMAN LINGENFELTER: Uh-oh. Okay. And where are
7 we at?

8 MR. REPERT: Cover sheet. We ought to have Rich
9 Iafelice as the vice chair.

10 MR. PETERSON: That's true.

11 MR. SCHINDLER: That's right.

12 CHAIRMAN LINGENFELTER: Melton Reporting getting
13 called out. Nobody escapes unscathed. Duly noted. Can I
14 have a motion?

15 MR. PETERSON: Mr. Chairman, I make a motion we
16 approve the July 6, 2021, meeting minutes with the one
17 correction noted tonight.

18 CHAIRMAN LINGENFELTER: Can I have a second?

19 MR. IAFELICE: I'll second that motion,
20 Mr. Chairman.

21 CHAIRMAN LINGENFELTER: Okay. All in favor say aye.
22 Opposed? None opposed, no abstentions. We have five ayes, no
23 nays, no abstentions.

24 (Five aye votes, no nay votes.)

25 CHAIRMAN LINGENFELTER: The minutes are approved.

26 Item Number 5 on the agenda under New Business is
27 the correspondence report by Zoning Commission members.
28 Hiram?

29 MR. REPERT: Mr. Chairman, I have none.

30 CHAIRMAN LINGENFELTER: Frank?

1 MR. SCHINDLER: I have none, Mr. Chairman.

2 CHAIRMAN LINGENFELTER: Mr. Iafelice?

3 MR. IAFELICE: None this evening, Mr. Chairman.

4 CHAIRMAN LINGENFELTER: Mr. Peterson?

5 MR. PETERSON: Nothing, Mr. Chairman.

6 CHAIRMAN LINGENFELTER: I have nothing either.

7 MR. REPERT: Boy, a light month.

8 CHAIRMAN LINGENFELTER: So that strikes Number 5.

9 Number 6, Audience Participation, do we have anybody

10 that wants to participate?

11 MS. PESEC: Yes. Can you hear me? This is Vanessa

12 Pesecc.

13 CHAIRMAN LINGENFELTER: Hi, Vanessa. Yes, we can

14 hear you.

15 MS. PESEC: Wonderful, great, thank you. I

16 appreciate all of the work that you are doing for the RCD

17 changes. I sent a letter on July 6 to everyone and a number

18 of the changes have been discussed. My one big concern

19 regarding this -- and I am bringing this up now while there

20 is, while you're still, you know, having discussions with this

21 because it seems that, once you spent all of the time, that

22 the public hearing is -- you don't have a, quote, you don't

23 have a whole lot of time to review and regroup on some of this

24 stuff. So I am bringing this up now while you're still having

25 work sessions.

26 And under Number 1, under Open Space Design

27 Criteria, under Purpose and then Open Space Criteria, I've

28 heard a lot of discussion and it seems that you want to keep

29 everything in the pristine condition, so forth. But yet under

30 16.24, large letter (C), small letter (d), says, "Any area

1 within the designated open space that is disturbed during
2 construction or otherwise not preserved in this natural
3 state," blah, blah, blah, "shall be landscaped with vegetation
4 that is compatible with the natural characteristics of the
5 site."

6 And so that paragraph is in conflict with the
7 Purpose and Open Space Design Criteria and allows for many
8 things. Now that you've taken out detention ponds from the
9 open space, I think that's terrific, but it would still allow
10 a landowner to timber the forest or the large trees, cut
11 everything down, and still consider it open space and it
12 allows, would allow other kinds of disturbances as long as
13 they fix it in some way and yet to be defined by some
14 restoration plan that the Lake County Soil and Water might
15 provide.

16 So I was wondering how you can modify the, the
17 zoning text so that it would really protect the open space in
18 major ways, as opposed to allowing for a lot of the open space
19 to be destroyed and then fixed in some way. Do you have any
20 ideas on how you might do that?

21 CHAIRMAN LINGENFELTER: What section are you
22 referring to, Vanessa, specifically?

23 MS. PESEC: So the concerning paragraph is 16.24,
24 Open Space Design Criteria.

25 CHAIRMAN LINGENFELTER: Okay.

26 MS. PESEC: Large letter (C), small letter (d).

27 MR. IAFELICE: (d)?

28 MS. FREEMAN: It's (e) in our copy, yeah.

29 MR. IAFELICE: Oh.

30 MR. REPERT: Small letter what?

1 MR. PETERSON: (e), (e).

2 CHAIRMAN LINGENFELTER: (e).

3 MS. FREEMAN: It's (e), as in elephant.

4 MR. REPPERT: Echo?

5 MS. FREEMAN: Yeah.

6 MS. PESEC: Oh, no, yeah, no, (d) as in dog, large
7 -- I believe that was on the last version that I had, unless
8 things have changed significantly.

9 MR. PETERSON: It's (e) on ours, I believe.

10 MS. PESEC: I don't have the latest copy. It's not
11 online anywhere, so I don't have the latest copy of the
12 proposed text.

13 CHAIRMAN LINGENFELTER: So what are we referencing?

14 MR. PETERSON: She said 16.02 or 16.01, Andy.

15 MS. PESEC: Yeah, 16.24, capital letter (C) as in
16 cat, small letter (d) as in dog.

17 CHAIRMAN LINGENFELTER: Okay. If I am understanding
18 then you're, we're talking about, in the newest iteration, the
19 small letter (e)?

20 MR. PETERSON: Yes.

21 MS. PESEC: Small letter (d) as in dog. Yeah, it's
22 hard to hear on these phone lines.

23 MR. IAFELICE: She can read it.

24 MR. PETERSON: It says, "The land disturbing
25 activities shall be minimal," though.

26 CHAIRMAN LINGENFELTER: I think this has already
27 been addressed. I think this has already been, a large
28 part --

29 MR. IAFELICE: Is gone.

30 CHAIRMAN LINGENFELTER: -- of that has been stricken

1 and it now reads, "Any area within the designated open space
2 is to be preserved in its natural state. Any land disturbing
3 activities within the open space shall be previously approved
4 by the township, shall be minimal, and restored immediately in
5 accordance with an approved restoration plan." Everything
6 after that is stricken.

7 MS. PESEC: Excellent. That is, that's really
8 helpful. Now, that would -- So if I am a developer, would
9 then I timber my land and then come in for an RCD?

10 CHAIRMAN LINGENFELTER: "Any area within the
11 designated open space is to be preserved in its natural
12 state," and, pretty much, answers that question, I would
13 think.

14 MR. PETERSON: She said before they apply for RCD.

15 CHAIRMAN LINGENFELTER: Well, if they haven't
16 applied for an RCD, it's inconsequential.

17 MR. PETERSON: They can do whatever they want to the
18 property.

19 CHAIRMAN LINGENFELTER: They can do whatever they
20 want to the property.

21 MR. REPERT: They can clear their land. They can
22 timber their land, cut everything down --

23 MR. PETERSON: Yeah, they could.

24 MR. REPERT: -- and apply for an RCD after that.
25 It's, yeah --

26 MR. PETERSON: Legally, I don't think you can stop
27 them.

28 MR. REPERT: I don't think you could either.

29 MR. SCHINDLER: No, because, they're doing exactly
30 what's allowed in the zoning to do with their land.

1 MS. PESEC: I can't hear what's going on. I'm so
2 sorry. Maybe the phone could be somewhere closer to where
3 everybody is,

4 CHAIRMAN LINGENFELTER: Well, basically, the
5 conversation is, Vanessa, that before they make an application
6 for RCD, they have the rights within whatever use of that land
7 to do whatever they want. If they want to do it, if they want
8 to timber the property, that's their, that's their prerogative
9 to do that. And then after they timber the property, they
10 decide they want to come back with an RCD, then they could do
11 that, technically. I mean, you can't stop them from doing,
12 you know, whatever it is they want to do on that property
13 prior to making the application.

14 Once the application is made, then "the open space
15 is to be preserved in its natural state" comes into effect.
16 But until then, you can't overlay this on top of an existing
17 zoning.

18 MS. PESEC: Right. And I -- there is nothing that
19 we can -- I mean, that basically would negate a lot of the
20 reason to have the RCD in the first place if you're going to
21 timber, timber it all and take down all the trees --

22 MR. SCHINDLER: Right.

23 MS. PESEC: -- and the forest and so forth, right?

24 MR. SCHINDLER: And we, as a board, probably
25 wouldn't approve it because it's a moot issue.

26 MR. IAFELICE: Right.

27 MR. SCHINDLER: Because everything is taken down.
28 I, as a member, would not approve. No, they come in asking
29 for a density and get more lots, smaller lots, I would say no.

30 CHAIRMAN LINGENFELTER: Right.

1 MR. SCHINDLER: You defeated the purpose by already
2 destroying the land.

3 MR. PETERSON: Unless it was timbered ten years ago.

4 MR. SCHINDLER: Well, that would still be something,
5 I am sure, the Board would have to take under consideration.

6 CHAIRMAN LINGENFELTER: Anything else, Vanessa?

7 MS. PESEC: Let me just make sure here. Oh, there
8 was discussion during the meeting that, talking about other
9 entities that might take over the open space management. And
10 I know we've talked about this and, on the Lake County
11 Planning Commission, we've talked a lot about it. It's very,
12 very, very infrequent that they actually are managed by an
13 entity other than the homeowners' association. And it has
14 been discussed by all of you, it is true that, over a couple
15 generations of landowners, homeowners and the homeowners'
16 association board, they don't become as effective in managing
17 the open space.

18 Is there any requirement that you might like to add
19 regarding a third-party management of the open space such that
20 neighbors aren't, you know, having to tell another neighbor
21 that that above-ground pool needs to go because it's in the
22 open space and, you know, all of the other problems that
23 happen, as well as making sure that the open space is
24 maintained in its pristine condition?

25 CHAIRMAN LINGENFELTER: As it reads right now, it
26 says, "Subject to such permanent restrictions as set forth in
27 Section 16.24(D) above, designated open space areas in a
28 residential conservation development may be owned by an
29 association, a land trust or other conservation organization
30 recognized by the Township." And then in red underlined,

1 which was an addition, "It is strongly desired that the open
2 space is protected with a conservation easement held by a
3 conservation organization. It shall further be the
4 responsibility of such association, land trust or organization
5 to ensure that the designated open space is maintained and
6 preserved in its natural state." I think that's pretty
7 comprehensive.

8 MS. PESEC: That's great that it's strongly
9 recommended. Can you make it a little stronger than "strongly
10 recommended"?

11 CHAIRMAN LINGENFELTER: I think we are splitting
12 hairs.

13 MR. SCHINDLER: Under penalty of death.

14 CHAIRMAN LINGENFELTER: Anything else?

15 MS. PESEC: No, that will do it. Thank you very
16 much.

17 CHAIRMAN LINGENFELTER: Thank you for participating,
18 Vanessa.

19 All right. Anybody else from an audience
20 participation standpoint? Is there anybody else on the line?
21 Last call.

22 (No response.)

23 MS. FREEMAN: No, it's --

24 CHAIRMAN LINGENFELTER: We are good? All right.
25 Audience participation is now completed.

26 At this point, the agenda has been covered. The
27 next meeting of the Zoning Commission will be Tuesday,
28 September 7, 2021. Any additional information?

29 MR. PETERSON: Just a comment. Could we, as we
30 decided last month, could we return to one table? Because

1 it's really difficult to talk to Rich's back and I can't see
2 Hiram. We agreed last month we were going to do that.

3 CHAIRMAN LINGENFELTER: Not seeing Hiram is not
4 necessarily a bad thing, so I think that -- There is that, you
5 know, what is it, you better watch what you wish for.

6 MR. PETERSON: It's in the minutes. I am sorry.

7 MR. IAFELICE: It was.

8 CHAIRMAN LINGENFELTER: Right.

9 MR. REPPERT: Yeah.

10 MR. SCHINDLER: Do you think, based on what's
11 starting to happen now with COVID starting to become more
12 aggressive, that the --

13 MR. PETERSON: It doesn't bother me.

14 MR. SCHINDLER: You don't believe in that?

15 MR. PETERSON: I'm vaccinated.

16 MR. SCHINDLER: Well, so am I.

17 MR. PETERSON: Then don't worry about it.

18 MR. SCHINDLER: Now they're talking about --

19 MR. PETERSON: Then you can sit over here.

20 MR. SCHINDLER: Oh, I don't care. Doesn't make a
21 difference to me.

22 MS. FREEMAN: If you want to wear a mask, you can.

23 MR. SCHINDLER: Yeah, right, I understand.

24 CHAIRMAN LINGENFELTER: Okay. Yeah, I mean, I think
25 it would be nice to go back to --

26 MR. PETERSON: Yeah, it's really difficult way out
27 here in the fringes.

28 CHAIRMAN LINGENFELTER: Sure. Sitting at one table
29 unless there is -- I mean, who knows right now where we're at
30 with conversations and restrictions coming back, potentially.

1 Who knows? But I mean, at this point, I would say I agree. I
2 think we should sit at one table, but if it makes anybody
3 uncomfortable, we certainly want to accommodate. Don't want
4 to make anyone feel uncomfortable. That's not the goal.

5 Any other questions, issues or concerns? This
6 meeting is adjourned. Thanks, everybody.

7 (Whereupon, the meeting was concluded at 9:23 p.m.)

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