

CONCORD TOWNSHIP BOARD OF TRUSTEES
LAKE COUNTY, OHIO
PUBLIC HEARING

Held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

September 1, 2021
6:30 p.m.

TRANSCRIPT OF PROCEEDINGS

Present on behalf of the Board of Trustees:

Morgan McIntosh, Chair
Amy Lucci, Vice Chair
Carl Dondorfer, Trustee

Also Present:

Andy Rose, Administrator
Michael Lucas, Esq., Legal Counsel
Heather Freeman, Zoning Director

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

1 6:30 p.m.

2 CHAIRMAN McINTOSH: All right. I call to order the
3 public hearing, consideration for Amended Preliminary Plan for
4 the Villas at Canterwood Farms Residential Conservation
5 Development District as requested by ALM Lake properties LLC.

6 At this point, I would invite the applicant to come
7 forward and give us an update on the plan they are requesting
8 that we -- the revisions that they're requesting we approve.

9 MR. SMUL: Sure. Do I need to say --

10 CHAIRMAN McINTOSH: Name and address for the record.

11 MR. SMUL: Jeff Smul, 7992 Stillwater Court, Concord
12 Township.

13 Thanks for taking the time for going over our
14 amended request on the preliminary plan. So the changes, I
15 will go through the summary of changes. So on our preliminary
16 plan, we had a subplot between 2 and 3. That was removed and
17 added to Hoose Road to preserve Wetland B. All the sublots on
18 Hoose Road now have a deeper setback, a minimum of 15 or --
19 sorry -- 40 feet, per Concord Township, a stipulation that was
20 addressed. We're also showing turn-around drives on these
21 lots as well.

22 The subplot between, the current sublots between 12
23 and 13 right now was removed, creating space for detention and
24 the cemetery, plus preserving Wetland A. With the unknown
25 timing of the removing of the cemetery, plus having a burial
26 site on the lot, we decided it would not be ideal if it is
27 located on a lot. So this lot that was in that cul-de-sac on
28 the western side was moved to the eastern side of the
29 clubhouse along Windsor Lane. So all of those lots 27 through
30 32 had to be adjusted in order to make that lot fit there.

1 Sublot 1 and subplot 55, we widened those towards
2 Hoose Road right-of-way and we created a 30 foot landscape
3 easement.

4 We added a, on the phasing map, there was a change.
5 We showed subplot 1 as the first phase that we would like to
6 start as our model house, with the sanitary connection to be
7 made prior to the installation of the remainder of the
8 development. So we're going to get that in there before we
9 start actually the physical development of improvements inside
10 the subdivision. We're allowed one model lot.

11 The other changes is subplot 23, we are -- we needed,
12 per the stipulation, to show a 15 foot side yard setback,
13 which we accomplished.

14 Sublots 53 through 54 were slightly adjusted to
15 preserve additional wetland space. The clubhouse was minorly
16 adjusted but all the setbacks for the pool requirements are
17 still maintained.

18 So, overall, the development's open space actually
19 increased slightly in acreage but still stayed at the same
20 percentage of 36 percent. So all of the modifications reduced
21 the total wetland disturbance .13 acres, which is the main
22 purpose of the RCD, to conserve impacts to wetlands.

23 So a couple other small adjustments were, a typical
24 roadway section was updated to address the county comments,
25 and then utilities were changed or added and adjusted based on
26 the lot changes.

27 So those were the summary of our changes.

28 CHAIRMAN MCINTOSH: Okay. Is there any questions
29 from the Board?

30 MR. DONDORFER: No.

1 CHAIRMAN McINTOSH: Okay. Then I think, since there
2 are no questions, I will -- I do see we have some folks in the
3 audience. So being a public hearing, I will ask if anyone
4 wants to come forward and speak. Being as there is not -- I
5 will just call people up one at a time that would like to
6 speak.

7 MR. SMUL: Sure.

8 CHAIRMAN McINTOSH: And we'll take the comments as
9 they come. So if there is anybody here that would like to
10 speak, if you'd come forward and then state your name and
11 address for the record.

12 MR. SCHINDLER: Mr. Chairman, Frank Schindler,
13 7396 Brenel Drive. I am a resident, plus also a member of the
14 Zoning Commission, but I am just here tonight not representing
15 the Zoning Commission but myself.

16 I understand there's been several changes done since
17 the time it left our board. Were these changes made on the
18 request of the Trustees for the benefit of conservation zoning
19 or ones that were made by the developer strictly to put in
20 maybe more units on the land in question?

21 CHAIRMAN McINTOSH: The Board did not request these
22 changes.

23 MR. SCHINDLER: So this was something that the
24 developer was trying to address on his own by reason of
25 preserving more of the land or just by putting in a couple
26 more units?

27 CHAIRMAN McINTOSH: I think I would have the
28 developer answer the question.

29 Jeff, do you want to take that?

30 MR. SMUL: Sure. Do you want me to come up here?

1 CHAIRMAN McINTOSH: Yeah, if you would, so we can
2 get you on the --

3 MR. SMUL: Let me understand. I couldn't really
4 hear the question. What was the question?

5 CHAIRMAN McINTOSH: The question was, what was the
6 purpose of the change? And the question was, was the, are the
7 changes being proposed to add more houses?

8 MR. SMUL: Oh, no. The units are totally -- We
9 haven't changed the amount of units.

10 MR. DONDORFER: Still 59.

11 CHAIRMAN McINTOSH: Yep.

12 MR. SMUL: So we just, it was mostly because of the
13 cemetery and, in hindsight, probably should have done a little
14 sooner, but then also preserve some wetlands. So while we
15 were at it, we made some other changes and modifications to
16 improve the plan. So, basically, that was, that was why we
17 did it.

18 CHAIRMAN McINTOSH: Okay. Thank you.

19 MR. SMUL: So, again, the open space, we actually
20 have a little, a little bit more.

21 CHAIRMAN McINTOSH: Okay.

22 MR. SMUL: Nothing specific but we're at the same
23 level.

24 MR. DONDORFER: But the number of lots hasn't
25 changed.

26 MR. SMUL: Number of lots hasn't changed.

27 MR. DONDORFER: It's still 59.

28 MR. SMUL: Exactly, yes.

29 MR. DONDORFER: Right.

30 CHAIRMAN McINTOSH: Mr. Schindler.

1 MR. SCHINDLER: Thank you.

2 MR. SMUL: You're welcome.

3 MR. SCHINDLER: Secondly, one of my biggest concerns
4 was, when it came to our board, there was still no decision on
5 the cemetery and I have some deep concerns about that.

6 CHAIRMAN MCINTOSH: Okay.

7 MR. SCHINDLER: I would hope the developer would
8 take under consideration of doing something to take care of
9 that either by cleaning it up and making it a place where it
10 will still be honoring the people who are living -- or not
11 living but buried there. If there could be some
12 consideration, like I said, cleaning it up maybe based on the,
13 maybe, homeowners' association where they would take care of
14 it and maybe isolate it in such a way, maybe a nice, little
15 picket fence around it where people could understand it's a
16 burial site and it does deserve some respect.

17 So I would hope that the developer will definitely
18 take into consideration that area and not to disturb it in any
19 way at all because I know there was talk about possibly moving
20 it. And based on the photographs I have seen, I would think,
21 basically, that would be somewhat difficult with the large
22 tree that's there that's grown up over most of it over the
23 years. I understand, and by looking at the photos also, even
24 some of the tombstones are somewhat even part of the tree now.
25 So trying to take those out of there and move them, I think,
26 would be very difficult. So if we can show some respect in
27 that area by the developer, I would deeply appreciate their
28 consideration.

29 CHAIRMAN MCINTOSH: Thank you.

30 MR. SCHINDLER: I thank you.

1 CHAIRMAN McINTOSH: Are there any other residents
2 here this evening that would like to speak on this matter?

3 (No response.)

4 Okay. Seeing none, I would just invite the
5 developer back up if they had any additional comments or
6 further answers to, regarding the cemetery. You are not
7 obligated. I am just offering the opportunity.

8 MR. RIEBE: Comments about the cemetery?

9 CHAIRMAN McINTOSH: I am just going to give you the
10 opportunity to address it if you'd like.

11 MR. RIEBE: It is our hope, at some point, to have
12 this reinterred in a more suitable location. I think I heard
13 Mr. Schindler saying it was only about one of them. The only
14 standing, existing monument, which is unidentifiable, is
15 entombed in a tree and bent over. Everything else is in
16 fragments. So it's been abandoned for probably well over 100
17 years. We still haven't worked that out but, in the interest
18 of -- We're making sure that we have a viable project to take
19 forward. We are just now, we're excluding it and not putting
20 a lot, which would have been a very desirable lot location, we
21 decided not to put it there.

22 So, again, we haven't done anything legally with
23 this. We haven't --

24 CHAIRMAN McINTOSH: Right.

25 MR. RIEBE: -- pursued it to that point. Our main
26 objective now --

27 CHAIRMAN McINTOSH: Just get your project --

28 MR. RIEBE: Move forward, keep going and, hopefully,
29 we can address it, hopefully, with the Trustees at some point.

30 CHAIRMAN McINTOSH: Okay.

1 MS. LUCCI: Can you address how you plan to restore
2 that if you do move it, the open space there?

3 MR. RIEBE: How we plan to restore the cemetery?

4 MS. LUCCI: Well, if you are going to move the
5 cemetery, what are you going to do with that open space.

6 MR. RIEBE: Yeah. It would be, it would be planted
7 as some, assuming we were to -- You want to make the
8 assumption that the cemetery would be moved at some point?

9 MS. LUCCI: Well, either/or. So if it wasn't moved,
10 could it be, you know, an historical site, conserved?

11 MR. RIEBE: If you take a look at it, it looks like
12 a mess.

13 MS. LUCCI: Okay.

14 MR. RIEBE: I mean, I don't know. I think you may
15 have or you may not -- may have seen pictures of it.

16 MS. LUCCI: Right.

17 CHAIRMAN MCINTOSH: Yes.

18 MR. RIEBE: Honestly, I don't know. It's abandoned.
19 We don't have any finalized plan that we could even bring to
20 the front right now to do with it. Okay? So as it sits right
21 now, it's called a cemetery but it actually is a, honestly,
22 it's a disgrace to the people that were originally buried
23 there. I don't know anybody that would want to have their
24 family or descendants, if they saw it, in that kind of
25 circumstance. So I believe we would, if we come to some
26 conclusion that's amicable and could be worked out in order to
27 have this done in a responsible manner and we're happy to turn
28 around and work with the Trustees or whoever to make sure it's
29 a, it's a nice area, potentially.

30 CHAIRMAN MCINTOSH: Just for maybe just to clarify

1 then, if you're not able to, if it's not able to be moved --
2 and I know you don't have plans -- but what is the intention
3 of the space? What would you do if you couldn't move it?

4 MR. RIEBE: You know, I think I have to cross that
5 bridge when I come to it. We have, we have not really given
6 that consideration at this point.

7 CHAIRMAN MCINTOSH: Okay.

8 MR. RIEBE: Do you have suggestions? Essentially,
9 we're hoping it moves. If it does, we would want to restore
10 it in some kind of a, you know, something that would look
11 good. Right now, it's overrun with poison ivy, poison oak,
12 according to the owners of the property. She went back there,
13 looked at it, poison ivy, poison oak. It's in a total
14 disarray. It's a real mess. So that's kind of what's
15 existing there. Now, I've not walked on it.

16 CHAIRMAN MCINTOSH: Right.

17 MR. RIEBE: But having the owner, she, that's what
18 she described in walking through there. The fence, I think,
19 that her father originally put up when they bought the
20 property is all broken down by trees falling on it.

21 CHAIRMAN MCINTOSH: Right.

22 MR. RIEBE: It's really a mess.

23 CHAIRMAN MCINTOSH: I guess I ask the question,
24 understanding I will defer or ask Mr. Lucas just to confirm,
25 that it's really up -- It's not up to us whether that happens.
26 It is has to go through the legal process.

27 MR. RIEBE: Right.

28 CHAIRMAN MCINTOSH: So if it's determined the
29 ability to move it is not granted and it's stuck there, I
30 assume, because you're building houses on either side of it,

1 there would be some attempt to make it -- You're going to have
2 houses on either side of it, so you'd have to do something to
3 make it palatable to those people living in adjacent lots.

4 MR. RIEBE: Well, we're going to have homeowners
5 living on either side of it.

6 CHAIRMAN McINTOSH: Right.

7 MR. RIEBE: So we'll have to do something at some
8 point. I'm not sure. I'm not sure what would be done.

9 CHAIRMAN McINTOSH: So it's either going to get
10 cleaned up to some extent or moved, one way or the other.
11 That's really what you --

12 MR. RIEBE: Again, maybe the homeowners -- I will
13 tell you, maybe the homeowners and everybody recognizes the
14 fact that it looks like a bunch of scattered rocks on the
15 ground at this point.

16 CHAIRMAN McINTOSH: Right.

17 MR. RIEBE: So that's not --

18 CHAIRMAN McINTOSH: Well, I understand. But, again,
19 there is a legal process to it being moved, which none of us
20 necessarily have control over.

21 That's correct, Mr. Lucas?

22 MR. LUCAS: That's correct.

23 CHAIRMAN McINTOSH: So that being the case, you
24 could end up being stuck with it of no -- not due to anything
25 we do or do not do.

26 MR. RIEBE: I don't know. I think someone, at one
27 time, mentioned that some distant relatives wanted to see it
28 remain. Maybe they would be interested in maintaining it.

29 CHAIRMAN McINTOSH: Right.

30 MR. RIEBE: I am not sure. It's their family.

1 CHAIRMAN McINTOSH: I guess the question or the
2 point I am making is that you are going to be selling a
3 product on either side of it, so you have some interest, if
4 it's not moved, to make it presentable based on the fact that
5 you are going to sell houses on either side of it.

6 MR. RIEBE: Yeah.

7 CHAIRMAN McINTOSH: So some portion of it is going
8 to be --

9 MR. RIEBE: And I think this new plan we have
10 certainly takes a better account than having it in the middle
11 of what would have been a lot.

12 CHAIRMAN McINTOSH: Yeah, I agree.

13 MR. RIEBE: Thank you.

14 MS. LUCCI: So I'm sorry. What would be the plan
15 then if -- So I still feel like we need to have some
16 clarification on what would be the plan --

17 MR. RIEBE: If it were to be moved?

18 MS. LUCCI: What would be the plan --

19 MR. RIEBE: If it were to be moved?

20 MS. LUCCI: What would be the plan with the open
21 space if it wasn't moved?

22 MR. RIEBE: If it were to be moved?

23 MS. LUCCI: If it wasn't.

24 MR. RIEBE: I'm not, I'm not sure what the plan
25 might be. I mean, I'm not sure what I can do that it would be
26 just -- There's a bunch of rocks and a tree. Gather them in a
27 pile? I'm not sure. So, I mean, I'm open to suggestions if
28 it gets to that point.

29 MS. LUCCI: Okay. And then if it was moved, I feel
30 like we still need clarification on what --

1 MR. RIEBE: Yeah, if it were moved, we'd probably
2 take, probably put some kind of a native kind of a planting,
3 something nice there, perhaps even put some kind of plaque
4 there as a memorial, potentially, if it gets moved. Again,
5 but I don't necessarily want to get to that point, actually,
6 what we might do. I mean, I think we passed the plan already
7 with the ceme -- without the lot, a lot on the cemetery
8 originally. So I think we made a first step in not having a
9 lot on an existing cemetery.

10 I think, is there a landscape easement there?

11 MR. SMUL: There's a landscape easement, yes.

12 MR. RIEBE: There is a landscape easement put on
13 that. Again, as Jeff said, we will be above the 30 percent
14 requirement. We got -- What is it? We would not want to
15 leave it full of poison ivy. I don't think any of the
16 neighbors would want to have poison ivy coming in their yards
17 either. So, okay? Anything else?

18 CHAIRMAN MCINTOSH: Does that answer your question?

19 MR. RIEBE: Did that -- I mean, hopefully, that
20 answers your question.

21 MS. LUCCI: Well, I mean --

22 MR. RIEBE: I can tell you, I don't want to make a
23 promise. I don't know. I am not sure what the outcome --

24 MR. DONDORFER: I think, if we're going to move to
25 possibly approve this tonight, then we might have to have some
26 type of stipulation.

27 MS. LUCCI: Some type of assurance that the open
28 space will be --

29 MR. DONDORFER: Assurance that the cemetery, one way
30 or another --

1 CHAIRMAN McINTOSH: I think what I am hearing, what
2 I am hearing you say, and I think what Mr. Smul said, was that
3 there is a landscape easement on it. So if it's not moved,
4 there is some level of maintenance that would occur.

5 MR. RIEBE: Something, something will be done there.

6 CHAIRMAN McINTOSH: And if you move it, you are
7 going to treat it like open space.

8 MR. RIEBE: Right.

9 CHAIRMAN McINTOSH: And native plantings would
10 return. Is that what I am hearing?

11 MR. RIEBE: That's the intention.

12 CHAIRMAN McINTOSH: Okay.

13 MR. RIEBE: That would be the intention.

14 CHAIRMAN McINTOSH: So one way or the other, there
15 is some kind of a plan to manage that space, which is our
16 concern.

17 MR. RIEBE: Right.

18 CHAIRMAN McINTOSH: You're addressing both of those
19 conditions and I recounted that accurately. Is that fair to
20 say?

21 MR. RIEBE: So what you are saying is that if it is
22 moved, then we would put a native planting.

23 CHAIRMAN McINTOSH: You are telling me --

24 MR. RIEBE: If not moved, it will be cleaned up
25 somewhat.

26 CHAIRMAN McINTOSH: Somewhat.

27 MR. RIEBE: It would be cleaned up. I'm not sure
28 exactly what kind of cleanup.

29 CHAIRMAN McINTOSH: I understand.

30 MR. RIEBE: With rocks or headstones that are

1 scattered.

2 CHAIRMAN McINTOSH: Right.

3 MR. RIEBE: So, okay.

4 CHAIRMAN McINTOSH: All right. Does that --

5 MR. DONDORFER: I guess, just to clarify because if
6 the court -- I mean, this is something that's going to be
7 looked at later through the court system as far as this
8 cemetery.

9 MR. RIEBE: Right.

10 MR. DONDORFER: I mean, if we approve this plan, I
11 mean, obviously, we don't know what's going to transpire when
12 you go look at how it's going to be remedied or whether or not
13 it's going to be moved or it has to be left there. So I --

14 MR. RIEBE: But do you think, is this preferable
15 than having the cemetery on a lot, which we already approved?

16 CHAIRMAN McINTOSH: Well, I don't think that's the
17 point.

18 MR. DONDORFER: No.

19 CHAIRMAN McINTOSH: That's not the point we're
20 making. That's not the question that's being raised. I would
21 absolutely agree.

22 MR. DONDORFER: This plan is much better.

23 CHAIRMAN McINTOSH: Yes. What we're trying to say
24 is, tell us what you are doing to do, one way or the other.
25 In my view of this is, you are going to sell two houses on
26 either side of this thing. So you, as the developer, have an
27 interest in maintaining, clean it up. If you can't move it,
28 if the courts don't allow you to do that, you are going to
29 need to clean it to some degree because people are going to
30 want to buy houses next to something that's -- Mr. Smul did

1 say landscaping easement. That's what I heard. What you told
2 Mrs. Lucci, also, was that if you end up moving it you're
3 going to return it to native --

4 MR. RIEBE: Right, it would be planted with some
5 kind of something.

6 CHAIRMAN McINTOSH: Like the rest of the open space.

7 MR. RIEBE: Something that would be pleasant,
8 pleasant looking, right.

9 CHAIRMAN McINTOSH: Okay?

10 MS. LUCCI: Thank you.

11 MR. RIEBE: Thank you.

12 CHAIRMAN McINTOSH: Okay. Is there any discussion
13 or anything on this before we --

14 MR. DONDORFER: No. I will say, you know, in
15 looking at the new proposed plan, I know there was another
16 plan that was proposed. I do like the modifications that were
17 made on this plan, especially regarding the lots that were
18 originally sort of outside of the development over on Morley
19 Road. I think this is much more contained and looks, you
20 know, looks much better as far as the modifications that were
21 made.

22 MS. LUCCI: Yeah, I think from the first plan that
23 was approved by the Zoning Commission and the Trustees,
24 looking at the difference that's here, I appreciate the area
25 where the cemetery is, creating that either open space or
26 allowing for whatever is going to happen with that cemetery.
27 Other than that, I think it's pretty close to that first plan.

28 CHAIRMAN McINTOSH: Yeah, I think, to Mr. Riebe's
29 point, I think this does a better job of addressing the
30 flexibility of whatever happens with that cemetery or

1 abandoned cemetery, as it gives them the flexibility to treat
2 it one way or the other. I appreciate the opportunity for it
3 to become part of the development. If it has to stay, he's
4 accounted for that. I think the rest of this is very close to
5 what we already approved, in fact, accommodated some of the
6 things we discussed when we did approve it. So I think it's
7 reasonable changes.

8 So, okay, with that, I would take a motion to close
9 the public hearing, hearing no other comments.

10 MS. LUCCI: Mr. Chairman, I move that we close the
11 public hearing.

12 MR. DONDORFER: I will second.

13 CHAIRMAN McINTOSH: All in favor? And none opposed.

14 (Three aye votes, no nay votes.)

15 CHAIRMAN McINTOSH: Okay. With that, we will
16 adjourn until 7:30 for the start of the regular trustee
17 meeting.

18 (Whereupon, the public hearing was concluded at
19 6:50 p.m.)

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1 STATE OF OHIO)
2)
2 COUNTY OF CUYAHOGA)

CERTIFICATE

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

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

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

11 IN WITNESS WHEREOF, I have hereunto set my hand
12 and affixed my seal of office this 16th day of September
2021.

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Melinda A. Melton

17 Melinda A. Melton
18 Registered Professional Reporter

19 Notary Public within and for the
State of Ohio

20 My Commission Expires:
21 February 4, 2023



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