

CONCORD TOWNSHIP ZONING COMMISSION  
LAKE COUNTY, OHIO  
REGULAR MEETING

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

December 6, 2022  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

Rich Iafelice, Chairman  
Andy Lingenfelter, Member  
Frank Schindler, Member  
Hiram Reppert, Member  
Ron Terriaco, Alternate Member

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning  
Inspector  
Keith H. Petersen, Esq., Legal Counsel

**Melton Reporting**  
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7:01 p.m.

CHAIRMAN IAFELICE: Good evening. Let me convene the Concord Township Zoning Commission meeting of Tuesday, December the 6th.

Heather, can I call to order, please, roll call.

MS. FREEMAN: Sure.

Mr. Terriaco?

MR. TERRIACO: Here.

MS. FREEMAN: Mr. Lingenfelter?

MR. LINGENFELTER: Here.

MS. FREEMAN: Mr. Reppert?

MR. REPPERT: Here.

MS. FREEMAN: Mr. Schindler?

MR. SCHINDLER: Here.

MS. FREEMAN: And Mr. Iafelice?

CHAIRMAN IAFELICE: Here.

Good evening, everyone. First of all, let me welcome Ron, joining us here this evening. Good to see you.

MR. TERRIACO: Glad to be here.

CHAIRMAN IAFELICE: Thanks for sharing your time and expertise with the board. Appreciate that very much.

Next item on our agenda is the approval of the minutes from November the 1st.

MR. LINGENFELTER: Here we go.

CHAIRMAN IAFELICE: Any questions or comments?

MR. REPPERT: I would like to make a comment.

CHAIRMAN IAFELICE: Please.

MR. REPPERT: To acknowledge the very good job that Mindy did with the minutes, especially with distinguishing between "Peterson" and "Petersen." It messed me up for about

1 a half hour as to what was going on in the minutes but I  
2 finally figured out what was going on and you did a wonderful  
3 job. Other than that, I have no comments.

4 CHAIRMAN IAFELICE: Duly noted. Thank you, thank  
5 you.

6 MR. LINGENFELTER: Mark this date on the calendar.

7 CHAIRMAN IAFELICE: Mark this date.

8 MR. REPPERT: No, we've had a few of those.

9 CHAIRMAN IAFELICE: If there are no other comments,  
10 can I have a motion for approval of the minutes.

11 MR. REPPERT: Go ahead. I'll second.

12 MR. SCHINDLER: Mr. Chairman, I so move that we  
13 approve the minutes as written.

14 CHAIRMAN IAFELICE: We have a motion for approval.

15 MR. REPPERT: I'll second.

16 CHAIRMAN IAFELICE: And a second. All in favor say  
17 aye. Any opposed? Any abstention?

18 (Five aye votes, no nay votes, no abstentions.)

19 CHAIRMAN IAFELICE: None. Thank you.

20 Correspondence is the next item on our agenda this  
21 evening. Any members of the board report any correspondence?  
22 Frank?

23 MR. SCHINDLER: None for me, Mr. Chairman.

24 MR. REPPERT: None for me, Mr. Chairman.

25 CHAIRMAN IAFELICE: Likewise, it's been a quiet  
26 month for me as well. Andy?

27 MR. LINGENFELTER: Not a peep.

28 CHAIRMAN IAFELICE: Not a peep.

29 MR. LINGENFELTER: It's been a good month.

30 CHAIRMAN IAFELICE: Ron, if you had received

1 correspondence, it would be --

2 MR. TERRIACO: I have nothing.

3 CHAIRMAN IAFELICE: Even though you are just joining  
4 us for first time, you never know, you never know. Okay.  
5 Thank you.

6 Public Participation, next item on the agenda.  
7 There is no one here physically. I don't think there is  
8 anyone on the phone as well, right, Heather?

9 MS. FREEMAN: Correct.

10 MR. LINGENFELTER: Don't all rush to the podium.

11 CHAIRMAN IAFELICE: Don't all rush to the podium.

12 New Business this evening, we have no items for New  
13 Business.

14 We are going to move right into our Old Business  
15 agenda but, before we do, just a note from the documents that  
16 was left at each of our places here by Heather, that the  
17 Trustees did approve all the amendments that we took under  
18 consideration and recommended for the Town Hall Neighborhood.  
19 So those are, those have been all approved by the Trustees.

20 MR. LINGENFELTER: Good.

21 CHAIRMAN IAFELICE: Under Old Business, we have a  
22 work session to review Section 22.03, Table of Uses, and  
23 Section 13.36, Innovative Site/PD, and Section 13.32, Outdoor  
24 Storage. This has been a continuing work session for these  
25 sections. And given the fact that we do not have any active  
26 submittals or other site plans on our agenda this evening, we  
27 want to take advantage, perhaps, of using our time to really  
28 focus on these sections this evening.

29 So in preparation for that, I generated some  
30 comments, reading both sections, in particular Section 22, the

1 Table of Uses. But in preparation for the meeting and how I  
2 think I would like to orchestrate and conduct it, I have asked  
3 Heather to walk us through the Table of Uses and then allow  
4 for discussion, questions and discussion as we proceed. I  
5 thought that might be best. She has done a lot of work and  
6 has also recommendations, as you have seen in what she's  
7 provided to us in terms of some recommendations on the  
8 sections.

9 So with that, Heather, maybe you can help us walk  
10 through Section 22.

11 MS. FREEMAN: Okay, sure.

12 CHAIRMAN IAFELICE: Thank you.

13 MR. REPERT: Now, a question.

14 MS. FREEMAN: Yes.

15 MR. REPERT: Are we just doing Capital?

16 MS. FREEMAN: I have thrown out a couple other  
17 suggestions for your consideration with tonight's --

18 MR. REPERT: So we are just doing the Capital  
19 District?

20 MS. FREEMAN: I was going to focus on the Capital  
21 District because that was initially our focus but then raise a  
22 couple or districts that we might want to also discuss  
23 tonight.

24 MR. REPERT: Okay, okay.

25 MS. FREEMAN: So it's not limited to just the  
26 Capital. So you can look at all the --

27 MR. REPERT: We are going to focus on Capital.

28 MS. FREEMAN: I think. I mean --

29 MR. REPERT: Okay, all right.

30 CHAIRMAN IAFELICE: Yeah, it's a good question.

1 Heather, I should have elaborated. What I asked Heather to do  
2 was to focus on that as we go through it. However, I have  
3 generated comments on the Table of Uses for other districts as  
4 well. And through a discussion of these, perhaps, you might  
5 generate questions as well on it.

6 MR. REPERT: Okay.

7 CHAIRMAN IAFELICE: So I thought if we might, given  
8 the fact that we have no other items on the agenda, take  
9 advantage of the time we have this evening.

10 So, Heather.

11 MS. FREEMAN: Well, for several months, we had  
12 talked about reviewing some of the uses within the Capital  
13 District. As you know, the Capital District, one of the main  
14 goals of that area is to, ideally, generate some kind of  
15 walkable area that might lead into a Town Center if someone  
16 chose the option to do the innovative site/planned  
17 development. Recently, we had some applications submitted  
18 some more auto oriented uses, including gas stations and car  
19 washes, within the Capital District. So if you are looking at  
20 our page 22.5, under the Section 22.03, Table of Uses, I am  
21 suggesting that we eliminate gas stations and car washes as  
22 conditionally permitted uses within the Capital District.

23 An update on the Sheetz project, that was settled  
24 with the Trustees and the applicant, so they are permitted to  
25 build there. By removing these uses from the table would not  
26 impact that project. So it wouldn't impact that and there is  
27 no other -- All the other property in the Capital District is  
28 either vacant or there is a nonconforming business just north  
29 of where we approved, where the board conditionally approved  
30 the ice cream store and car wash last month. So other than

1 that, everything else is vacant land. So we wouldn't be  
2 generating any additional nonconforming uses by eliminating  
3 those two.

4 And then the Town Center Master Plan study, one of  
5 the recommendations was to take gas or take gas stations,  
6 specifically, if I recall, out of the Capital District as a  
7 use.

8 So those, under the traditional Capital District,  
9 were the only modifications I had at this point. I did want  
10 to bring to your attention just, and I know I mentioned it  
11 previously, there is another zoning district that I think we  
12 might need to simultaneously start taking a look at some of  
13 the uses. It's very limited. It's that Manufacturing  
14 District.

15 CHAIRMAN IAFELICE: Before we do, Heather --

16 MS. FREEMAN: Yeah.

17 CHAIRMAN IAFELICE: Can I just ask the board, in  
18 terms of that recommendation, maybe tackle, take this one  
19 right now since it's before us and to consider removal of the  
20 gas station and car wash in this district as a conditional  
21 use. Are there any concerns, questions or comments?

22 MR. SCHINDLER: No. I am all for it.

23 MR. REPERT: A little late but that's all right.  
24 Yes, I am all for it.

25 CHAIRMAN IAFELICE: Andy?

26 MR. LINGENFELTER: Yeah, the horse is out of the  
27 barn but --

28 MR. REPERT: Yeah.

29 MR. LINGENFELTER: I'm with you.

30 CHAIRMAN IAFELICE: Ron?

1 MR. TERRIACO: I am okay, yes.

2 CHAIRMAN IAFELICE: So as it relates to that then,  
3 Heather, in 13 under Conditional Use, if I may ask questions  
4 related to this as well. In 13, bed and breakfast, gas  
5 stations, car washes, there is language in every one of those  
6 sections in 13 that indicate those uses shall be conditionally  
7 permitted and it indicates each district.

8 MS. FREEMAN: Correct.

9 CHAIRMAN IAFELICE: As an example, gas stations  
10 shall be conditionally permitted in GB, Gateway Business  
11 District, Capital and, and Capital. The recommendation is to  
12 remove "and Capital."

13 MS. FREEMAN: Correct, yes.

14 CHAIRMAN IAFELICE: My question is -- Sorry.

15 MS. FREEMAN: Yes.

16 CHAIRMAN IAFELICE: The question is, this Section 13  
17 is Conditional Use Permit. Section 22 is the Table of Uses of  
18 the permitted or conditionally permitted or accessory use in  
19 each of the zoning districts. Why do we, why do we indicate  
20 them in the Conditional Use Permit? Why do we have language  
21 that says those districts here in 22 -- So this is forcing us  
22 to change it in two locations all the time.

23 MS. FREEMAN: Right.

24 CHAIRMAN IAFELICE: Right? It would appear,  
25 obviously, we have to.

26 MS. FREEMAN: I mean, the short answer is, I have no  
27 idea why we have it that way. It looks like a lot of those  
28 conditionally permitted uses were put in the Resolution back  
29 in 2007, when I'm looking at these revisions.

30 CHAIRMAN IAFELICE: I see the 2007, yes.



1 MS. FREEMAN: So I don't know if, Keith, would you  
2 have any -- I mean, by having it in both locations, is that  
3 something, like, could we eliminate that, basically, under  
4 Section 13? Is that what you're maybe suggesting?

5 CHAIRMAN IAFELICE: I am a strealiner guy, yeah.

6 MS. FREEMAN: Yeah. Just list what the conditions  
7 are?

8 CHAIRMAN IAFELICE: Well, especially if the intent  
9 of commercial and industrial use regulations indicate what is  
10 conditional and permitted use in each these districts, then in  
11 the Conditional Use Permit, we go the extra step and say it  
12 again.

13 MS. FREEMAN: Yeah.

14 CHAIRMAN IAFELICE: It just kind of, ever since I  
15 came across that, I've been meaning to ask.

16 MR. LINGENFELTER: It's brought to you by the  
17 department of redundancy department.

18 CHAIRMAN IAFELICE: Could be, could be. Aren't they  
19 out of -- They're out of service right now.

20 MR. LINGENFELTER: A little bit.

21 CHAIRMAN IAFELICE: They're redundant.

22 MR. LINGENFELTER: Yes, they've been eliminated.  
23 They eliminated themselves.

24 CHAIRMAN IAFELICE: Because they're redundant.

25 MR. LINGENFELTER: Right.

26 MS. FREEMAN: So, Rich, like, I mean, we could check  
27 with legal counsel about this but maybe we could reword  
28 Section 13.25 and just state, "Gas stations shall be  
29 conditionally permitted in compliance with the following," and  
30 then not -- then just eliminate all the reference to the

1 districts themselves.

2 CHAIRMAN IAFELICE: Yeah, it's not, yeah, I just  
3 brought up and maybe just something I am asking, if there is a  
4 reason to have it in both locations. It always bothered me,  
5 you know. For me, when we have it in two locations, you're  
6 prone to error.

7 MS. FREEMAN: Correct, yeah, because I didn't think  
8 about that the first time around. Like even the last month  
9 when we did that, it didn't even --

10 CHAIRMAN IAFELICE: Yeah.

11 MR. LINGENFELTER: But, no, I think more to your  
12 point though, Rich, is the fact when we change one, we've got  
13 to change both.

14 CHAIRMAN IAFELICE: Yeah.

15 MS. FREEMAN: Yeah.

16 MR. LINGENFELTER: That way, we don't --

17 MR. TERRIACO: Potential error.

18 MR. LINGENFELTER: -- have a potential issue where  
19 we change one and don't change the other.

20 CHAIRMAN IAFELICE: You have to change that but  
21 Heather does --

22 MR. LINGENFELTER: Then we've got problems on our  
23 hands.

24 CHAIRMAN IAFELICE: But Heather does, but Heather  
25 does that and what brought it to my attention, because I've  
26 been meaning to ask this before she shows us, we've got to  
27 change everything in 13, whatever we change in 22. So  
28 anyway --

29 MS. FREEMAN: Do you have any comments on that,  
30 Keith, at this point?

1 MR. PETERSEN: The only thing I can think of is that  
2 you wouldn't want to say, like you were saying, 13.25 to say,  
3 "Gas stations shall be conditionally permitted in compliance  
4 with the following," because if someone then said, "Okay.  
5 Well, I want a gas station in, say, the Capital District," and  
6 you say, "Oh, well, Section 22 doesn't list gas station as a  
7 conditional permit in the Capital District," but they say,  
8 "But 13.25 says that gas stations are a conditional use  
9 permit."

10 So I think they have that sort of -- and this is a  
11 little bit of speculation on my part -- I think they have that  
12 redundant language so that when you're identifying, okay, gas  
13 stations shall be conditionally permitted in these sections  
14 and it's sort of double-checking that, okay, it's only allowed  
15 in these districts which complies with the table in Section  
16 22.

17 Like you say, it is a little bit of cause for  
18 concern to make sure that you are amending them together so  
19 that there is, all the changes are complete in both sections,  
20 you're not getting conflicting language. But that's the only  
21 thing I would think is that, if someone said, "Oh, gas  
22 stations shall be conditionally permitted in compliance with  
23 the following," and then they want a gas station in a district  
24 that doesn't have it. That's sort of where my brain was going  
25 towards.

26 MR. LINGENFELTER: But if, counsel, if it's not --  
27 if it's omitted from the, from the charts, then it would be  
28 basically moot, correct?

29 MR. PETERSEN: Well, I --

30 MR. LINGENFELTER: Because if it's not in here, I

1 think Mike Lucas always had the philosophy if it's not, if  
2 it's not in there, then it's not permitted, you know, kind of  
3 thing.

4 MR. REPPERT: Right.

5 MR. LINGENFELTER: The argument if it's omitted,  
6 then it's not permitted.

7 MR. PETERSEN: And that makes sense. I would just  
8 fear someone trying to skirt the language of the law. You  
9 know, unfortunately, people do that sometimes. So I think  
10 that's just why they have sort of the redundant language to  
11 make sure there is no ifs, ands or buts about it.

12 MR. TERRIACO: So sort of like a checks and balance.

13 MR. PETERSEN: Yeah. So that they can't come  
14 back --

15 MR. TERRIACO: I don't see it here but I am going to  
16 look somewhere else and, correct, I do not see it here.

17 MR. PETERSEN: Yeah. They might try to get their  
18 foot in the door some way, start a lawsuit, all that sort of  
19 thing because, okay, it's not listed in 22 but I think I can  
20 find my way through 13 because it's not specifically listed  
21 there. I mean, it is sort of a very long work-around way.  
22 It's a, probably, very rare situation but that's sort of why I  
23 am thinking they put sort of the two sets of similar language  
24 in there so that there is nothing really to go with.

25 CHAIRMAN IAFELICE: Appreciate that feedback, Keith.  
26 Could I ask, since you're obviously speculating, thinking,  
27 perhaps, you could -- nothing urgent for that this evening.  
28 Perhaps, you could get back to us more formally.

29 MR. PETERSEN: Of course.

30 CHAIRMAN IAFELICE: Appreciate that. If we do see a

1 legal concern with that. I understand your perspective on it  
2 though. Appreciate it. Thank you.

3 Okay. So with that, Heather, on the, I think the  
4 consensus here on the board is we're accepting the removal of  
5 that, those two uses on the conditional use.

6 MS. FREEMAN: Okay.

7 CHAIRMAN IAFELICE: So, please, you were going on to  
8 Manufacturing.

9 MS. FREEMAN: Okay, yeah. So the Manufacturing  
10 District -- I am sorry. I just threw together these maps  
11 today. I thought I would just in case folks weren't aware of  
12 where the district was at. There is two maps there.

13 There are only three parcels of land in Concord that  
14 are actually zoned Manufacturing. So I just did a quick GIS  
15 map there with an overlay of the zoning districts showing, the  
16 first one has -- Actually, I am sorry. It is four lots.  
17 Three lots right here on Concord-Hambden right outside of the  
18 Hunt Club, the former Grimes Seed building that's for sale  
19 currently and then adjacent to that is Hannon Electric. So  
20 the office building that was the Grimes building is currently  
21 vacant. It's about 2 acres. And then they have a parcel  
22 behind it that's about 2.7 acres. It has part of their  
23 driveway on it. It's mostly wooded. It backs up to I-90.  
24 And then to the west is Hannon Electric, which they basically  
25 use that as an office kind of building and it's 4.6 acres.  
26 And then the other parcel that is zoned Manufacturing is  
27 located on the west side of Auburn Road just about south of  
28 Spear Road and backs up to I-90 there in the Hillshire Woods  
29 multi-family development. It's occupied by Dolbey Systems.  
30 They use it as an office building and it's about 5 acres in

1 size.

2 But, recently, I've gotten a couple calls from a  
3 couple real estate agents that have some clients that were  
4 eyeing the office building on Concord-Hambden and they were  
5 asking about uses. More than once, actually twice, someone  
6 was asking about potentially some type of general building  
7 contractor providing an office area and an indoor warehouse  
8 area and, potentially, some outdoor storage area for vehicles.

9 General -- So when I looked at, you know, what type  
10 of uses are permitted or conditionally permitted in the  
11 Manufacturing District, you can see them right here. There  
12 is, basically, offices, research and development labs, and  
13 then, for whatever reason, we have child and adult day care  
14 center -- a little odd -- light manufacturing, printing,  
15 publishing and bindery, government uses, and there is a  
16 conditional use for surface extraction of sand, gravel and  
17 other earth materials, which is a whole nother conversation.

18 So when I was looking at some other communities'  
19 districts and doing my own little research on that, a lot of  
20 them have, you know, some limited amount of commercial  
21 districts that are also permitted within manufacturing  
22 districts. So I kind of went and looked at what were  
23 commercial uses we already allow in other zoning districts in  
24 Concord and identified a few that I thought might be  
25 acceptable or compatible uses for this district in addition  
26 to, so in addition to a couple more warehouse type wholesale  
27 business facilities.

28 So I was suggesting, on page 22.5, that we consider  
29 maybe adding as a permitted use wholesale and warehouse  
30 facilities, and then on the next page, possibly, the general

1 building contractors. And then I can go into the next step  
2 after that but that was another area that I thought, because  
3 the building is up for sale now and we were getting a lot of  
4 interest in it, that since we're already talking about  
5 amendments, if we wanted to expand the uses that would be  
6 allowed in there, that this would be an opportune time to  
7 bring it up.

8 Do you have any thoughts from the Commission on that  
9 or questions or concerns?

10 CHAIRMAN IAFELICE: The initial is, every  
11 manufacturing parcel is not used for manufacturing.

12 MS. FREEMAN: No.

13 MR. LINGENFELTER: That's where I was going to go  
14 with this. Why are we, why are we doing this? Why don't we  
15 do like what we did with the Town Hall? I mean, really,  
16 seriously, manufacturing, we've got these, such a limited  
17 number of parcels and there is no manufacturing. I mean, we  
18 would not be making any of these -- The current Dolbey Systems  
19 doesn't do manufacturing, I know that for a fact.

20 MS. FREEMAN: Right, yeah.

21 MR. LINGENFELTER: Hannon Electric doesn't do  
22 manufacturing.

23 MS. FREEMAN: Correct.

24 MR. LINGENFELTER: And that other office building  
25 is, basically, it's vacant right now, but when it had tenants,  
26 it was not -- there was nothing manufacturing going on there.

27 MS. FREEMAN: Right.

28 MR. LINGENFELTER: And the other parcel is vacant  
29 land. Why don't we consider just kind of scratching  
30 Manufacturing and maybe convert it to --

1 CHAIRMAN IAFELICE: General Business.

2 MR. LINGENFELTER: Well, I would say General  
3 Business or Research and Limited Industrial, I think, would  
4 make a good segue or General Business would be a good segue.  
5 But, I mean, what's the point in keeping Manufacturing even on  
6 the list when we've got such a limited number of parcels that  
7 are involved?

8 MR. SCHINDLER: One of the biggest reasons people  
9 complain, that the manufacturing, of course, brings in more  
10 taxes and we need more taxes to take the load off the  
11 residents. I have heard that time and time again in public  
12 hearings. Is that an issue? That's my point. Now, does  
13 manufacturing actually bring that much tax base to the  
14 community?

15 MS. FREEMAN: Well, a manufacturing business versus  
16 some other commercial business in Concord on these parcels?

17 MR. LINGENFELTER: Right.

18 MS. FREEMAN: I mean, we're not getting income tax.  
19 They're not in the JEDD.

20 MR. LINGENFELTER: Right.

21 MS. FREEMAN: So we'd just be getting property tax  
22 income based on the assessment on the value of that.

23 MR. LINGENFELTER: Yeah, you're not generating any  
24 income tax because they're not in the JEDD.

25 MR. SCHINDLER: Right.

26 MR. LINGENFELTER: So I would think that we -- And  
27 this other parcel which troubles me is this long bowling alley  
28 parcel by Hannon Electric there. You know, that's almost,  
29 what's the point in that?

30 MS. FREEMAN: The one in front right here?



1 MR. LINGENFELTER: Yeah.

2 MS. FREEMAN: That actually is -- I should have told  
3 you That's not really a parcel there. The way the road  
4 right-of-way was, I didn't go in and edit.

5 CHAIRMAN IAFELICE: This is widened right-of-way?

6 MS. FREEMAN: Yeah, it's widened right-of-way. So  
7 it's not, really, that's not a separate parcel.

8 MR. LINGENFELTER: Okay. Because I was going to  
9 say, that parcel is completely useless.

10 MS. FREEMAN: Yeah, no, it's really just that  
11 triangular and then the office and then a flag lot.

12 MR. LINGENFELTER: Gotcha, gotcha. So then, in  
13 essence, it's just three parcels there then?

14 MS. FREEMAN: Correct, yes. And then the fourth  
15 would be the Dolbey Systems.

16 MR. LINGENFELTER: Correct, yeah, gotcha, okay.

17 I think we should consider sending Manufacturing the  
18 way of the Town Hall. I think we ought to just scrap it from  
19 the zoning text. That's my opinion. I mean, why not? Unless  
20 somebody can give me a compelling argument to keep it there, I  
21 don't really see any reason.

22 CHAIRMAN IAFELICE: When you consider, to your  
23 point, Andy, when you consider General Business, B-2, general  
24 building contractors is a permitted use, which is exactly what  
25 you're suggesting to put in Manufacturing anyway.

26 MR. LINGENFELTER: Right, exactly. Now, if this was  
27 all vacant land that was open for development and we were  
28 looking for manufacturing potential candidates for this, I  
29 would say then maybe we should consider leaving it. But,  
30 right now, three out of the four parcels or four out of --

1 wait -- three out of four, yeah, three out of four parcels are  
2 already, you know, currently inhabited by somebody that's not  
3 manufacturing. So what's the point? Not going to change  
4 that. What are you going to do, tear down Hannon Electric and  
5 build a manufacturing plant? No. Are you going to tear down  
6 an office building and build -- No. The only option there is  
7 the 2.7 acres and that is not very much property, guys, 2.7  
8 acres, to put a manufacturing facility? What, are you going  
9 up? We've got a height restriction. So, I mean, what are you  
10 going to do on 2.7 acres?

11 CHAIRMAN IAFELICE: Abutting residential.

12 MR. LINGENFELTER: Yeah, exactly, abutting  
13 residential. What are you going to do with that? How is that  
14 going to play in a potential development standpoint? I think  
15 it's, I think it's a waste of time. I think we should scrap  
16 it. My two cents.

17 MR. SCHINDLER: Well, I am for scrapping it because  
18 everyone comes out to Concord because it's what they call a  
19 bedroom community. You know, it's a nice place to live. You  
20 don't have all this traffic from manufacturing, which brings  
21 in traffic with trucks and all that good stuff and all the  
22 environment that goes along with it.

23 MR. LINGENFELTER: Thirty years ago, forty years  
24 ago, it may have served its purpose.

25 MR. SCHINDLER: Right.

26 MR. LINGENFELTER: Today I don't think it serves any  
27 purpose to the community. What do we want manufacturing for?  
28 Do we really want to keep manufacturing when we don't have any  
29 manufacturing property and keep that in the zoning text? It  
30 just clutters things up.

1 MR. SCHINDLER: Yeah. In general, like you say,  
2 Andy, it's not large enough anyway for manufacturing.

3 MR. LINGENFELTER: Right. You're not doing anything  
4 with it.

5 MR. SCHINDLER: Right.

6 MR. LINGENFELTER: The 2.7 acres, you're putting a  
7 small office building on there.

8 MR. SCHINDLER: Right.

9 MR. LINGENFELTER: Or maybe a landscape company with  
10 some landscaping equipment. That's not enough, that's not  
11 enough property to build much of anything from a manufacturing  
12 standpoint.

13 MR. SCHINDLER: No.

14 MR. LINGENFELTER: So my thoughts.

15 CHAIRMAN IAFELICE: Any other thoughts from the  
16 board? Hiram?

17 MR. REPERT: Well, I could put a marijuana  
18 distribution on 2.7 acres but that, again, is General Business  
19 and not Manufacturing. I don't know. Do they manufacture --  
20 No, they don't, they just process.

21 MR. SCHINDLER: Right, they just grow stuff.

22 MR. TERRIACO: It's a quiet business.

23 MR. REPERT: Yeah.

24 MR. TERRIACO: It's a quiet business. They don't  
25 make a lot of noise.

26 MR. REPERT: Yeah, it's a quiet business, not much  
27 noise.

28 CHAIRMAN IAFELICE: Heather, how does that sound to  
29 you in terms of --

30 MS. FREEMAN: I think, I mean, if we're talking a

1 zoning district change instead of permitted uses --

2 CHAIRMAN IAFELICE: Yes.

3 MS. FREEMAN: I would probably want to take a look  
4 at, okay, if you're talking B-2, we would probably want to go  
5 down and look at what those uses are and make sure that you're  
6 comfortable with those uses being in permitted or  
7 conditionally.

8 CHAIRMAN IAFELICE: Okay.

9 MR. LINGENFELTER: I agree.

10 MS. FREEMAN: And I was just kind of doing that as  
11 you guys were talking.

12 The other thing I was looking at are the dimensional  
13 requirements, the lot requirements. So just generally  
14 speaking, well, you might get more dense development. You  
15 could get more commercial by going B-2 because the lot size is  
16 half that of the M District. Frontage is reduced. So you  
17 could get, possibly, more development, more commercial  
18 development.

19 But there are, you know, if we're talking B-2, just  
20 kind of looking at the table right now comparing the B-2 and  
21 the M, all the office uses are the same. We would lose the  
22 opportunity for research/development labs but then folks could  
23 do personal services like dry cleaning, shoe repair,  
24 photography studios. So you could get some more of those type  
25 of uses that we're seeing over on Crile Road, potentially,  
26 trying to locate within this area. Vet services as a  
27 conditional use, funeral services. I don't think people do  
28 business services, copy, mail center or mail and copy centers  
29 but -- I don't know -- it's still there. Still got that child  
30 and adult day care as a conditional use in either one of those

1 districts. It would potentially bring in automotive repair.  
2 You would lose the opportunity for light manufacturing. You  
3 have that wholesale as a permitted use. So, I mean, it does  
4 add in, like you said, the general building contractors. It  
5 also would conditionally permit construction and equipment  
6 sales and rental.

7 The one area that would be really different would be  
8 the addition as a conditionally permitted use for residential  
9 care facilities.

10 CHAIRMAN IAFELICE: Yes.

11 MS. FREEMAN: Nursing homes, home for the aging,  
12 adult group homes, hospice care facilities. I think that  
13 would be a significant change that you would want to consider  
14 if you wanted to rezone that.

15 CHAIRMAN IAFELICE: It would certainly require a  
16 little bit of due diligence to review that, right, Heather?

17 MS. FREEMAN: Yes.

18 CHAIRMAN IAFELICE: Is there a concern in terms of  
19 critical path, given the interest you've received on these  
20 properties from realtors?

21 MS. FREEMAN: No. I mean, they knew that, I told  
22 them that it wasn't, the general building contractor was not  
23 permitted and they would need some kind of variance or a  
24 zoning change and that but there was no, "Oh, okay, we're  
25 going to do that." I didn't even mention that we were looking  
26 at the uses. I just told them, you know, what the Resolution  
27 said.

28 CHAIRMAN IAFELICE: Okay. So it is not like time is  
29 of the essence and there is this big development.

30 MS. FREEMAN: I don't know. Yeah, I mean, I really

1 don't know. Maybe that person heard, "Oh, you need a  
2 variance," and walked away or maybe they signed a deal and  
3 said, okay, contingent on zoning. I have no idea.

4 MR. SCHINDLER: So zoning came up just once?

5 MS. FREEMAN: What's that?

6 MR. SCHINDLER: The zoning came up once?

7 MS. FREEMAN: Two different, two different  
8 occasions.

9 MR. SCHINDLER: Two different people or the same  
10 person?

11 MS. FREEMAN: Yeah, two different, two different  
12 businesses looking at general building contractors. One  
13 wanted to use the whole building for their general building  
14 contracting, and they do engineering services and they kind of  
15 do the whole gamut, and then another individual was looking at  
16 maybe using part of the building for office and outdoor  
17 storage for general building contractors and then,  
18 potentially, leasing out spaces to other tenants. So there  
19 were two different kind of things.

20 MR. REPPERT: Which parcel was that?

21 CHAIRMAN IAFELICE: The office.

22 MS. FREEMAN: That office building, yeah. And I  
23 think that the 2 acres, 2.7 acres behind are going with it,  
24 yeah. If you remember when we looked at the land to the east,  
25 there is significant dropoff back there.

26 MR. REPPERT: Yes, yes.

27 MS. FREEMAN: So I think these are being sold  
28 together. I mean, not to say that it couldn't be developed  
29 separately but --

30 MR. LINGENFELTER: Is there, you know, when you do

1 these maps, Heather, is there a way, you know, when you talk  
2 about the dropoff like that, is there a way that we can do a  
3 topo layer?

4 MS. FREEMAN: Oh, yeah. I took it off on this one  
5 but, yeah, yeah.

6 MR. LINGENFELTER: Sometimes it's a good visual when  
7 you can see, if you see there is a parcel that's like really  
8 challenged. I mean, when you look at it flat like this, you  
9 say, oh, 2.7 acres.

10 MS. FREEMAN: Yeah, right, right.

11 MR. LINGENFELTER: But when you see a topo version  
12 of it, you go, for crying out loud, 2 acres of the 2.7 is not  
13 buildable.

14 MS. FREEMAN: Right, yeah, yeah.

15 MR. LINGENFELTER: So that kind of puts a little bit  
16 of a different spin or perspective on it. So, yeah, I think,  
17 I just think putting the topo with gradations would be a nice  
18 little thing to have just, that way, when we're looking at a  
19 parcel, we understand that it's probably really, you know, not  
20 developable or it's really severely challenged. So that would  
21 be nice to have.

22 MS. FREEMAN: Okay, sure.

23 MR. LINGENFELTER: Just a nice to have.

24 CHAIRMAN IAFELICE: Thank you for bringing that up,  
25 Heather. I think, given the discussion here, I think the  
26 consensus of the board is, yeah, we are receptive to changing  
27 in terms of providing a permitted use but, at the same time,  
28 maybe consider the zoning district as a wholesale change. So  
29 perhaps that's something to research, review and bring back.

30 MS. FREEMAN: Sure.

1           CHAIRMAN IAFELICE: Especially, as you mentioned,  
2 lot size and other restrictions. And maybe it's not B-2 as  
3 the best fit, perhaps.

4           MS. FREEMAN: Right. That would give me an  
5 opportunity --

6           CHAIRMAN IAFELICE: Give an opportunity, yeah.

7           MS. FREEMAN: Give me an opportunity to look at  
8 that. And I am not sure if our Comprehensive Plans have  
9 mentioned any potential changes to the M District. I don't  
10 recall but I should go back and look and see if there was any  
11 discussion.

12          MR. LINGENFELTER: Well, I think another  
13 consideration on that, too, is the fact that the close  
14 proximity to residential development, too.

15          CHAIRMAN IAFELICE: Yeah.

16          MR. LINGENFELTER: So I think we want to definitely  
17 be cognizant of what, like you said, maybe the General  
18 Business B-2 isn't the right place for it to go, just  
19 considering that it is abutting a residential lot and it's  
20 right across the street from.

21          MR. TERRIACO: That was my concern. Now that we've  
22 added the residential use, what's across the street?

23          MR. LINGENFELTER: What's across the street, too.  
24 So we've got to think about what they could, potentially, be  
25 confronted with. Hannon Electric has been there, I mean, it's  
26 been there forever. They've been there as long as I can  
27 remember. And Dolbey Systems, I mean, they're up on a hill.  
28 You don't even see, when you drive by there, you don't even  
29 see it. All you see is the driveway. You don't even see the  
30 building.



1 MS. FREEMAN: Yeah. Ron is probably the only one  
2 who's ever been in there.

3 MR. LINGENFELTER: I've been to their office before.  
4 So I know, yes, you wouldn't even know it was there if you  
5 didn't know it was there.

6 MS. FREEMAN: Right.

7 MR. LINGENFELTER: So, yeah, that's interesting,  
8 yeah, you know. I am okay with that.

9 CHAIRMAN IAFELICE: Okay. So moving on after the  
10 Manufacturing discussion, Heather, did you have --

11 MS. FREEMAN: Oh, okay, yes, continuing on with  
12 that, I've had, okay, under Accessory Uses, outdoor storage is  
13 a conditionally permitted use in the majority of our  
14 commercial and industrial districts. And I didn't understand  
15 why, under the B-2 and under the M District, it was just a  
16 straight up accessory use. So what I was proposing at this  
17 time was just to make those conditionally permitted accessory  
18 uses as well, so that's why you're seeing a couple changes  
19 there under the B-2 and the M District.

20 With that, I looked at, what are the specific  
21 conditions for outdoor storage and those are in Section 13.32,  
22 which if you want to flip to that other document -- let me  
23 find the page number here for you -- on page 13.25.

24 CHAIRMAN IAFELICE: 25.

25 MR. LINGENFELTER: Which page?

26 CHAIRMAN IAFELICE: 13.25.

27 MR. TERRIACO: All the red.

28 MS. FREEMAN: At the bottom of page 13.25. Page  
29 numbers are on the bottom. So there is kind of a Part A and a  
30 Part B to this section. Part A has to do with the outdoor

1 storage of goods, supplies, equipment, vehicles. And, again,  
2 I was looking at some other communities' resolutions and  
3 thought, okay, our standards really don't have a lot to them.  
4 I thought, being a conditionally permitted use, that one of  
5 the reasons why we might make it conditionally permitted use  
6 is to make sure it's going to be like screened from adjoining  
7 properties, which we really had nothing in here regarding  
8 that. So I have added in a couple things, including where it  
9 could be located to prevent it from being be in front of the  
10 main building. If you are going to have an outdoor storage  
11 area, it should be adjacent to the building or behind the  
12 building, not facing the public road right-of-way.

13 Also suggesting adding in that the area be enclosed,  
14 either some kind of masonry material being cohesive with the  
15 main building or a fence or some other, you know, material  
16 that might be approved by -- I put Zoning Commission and, now  
17 that I am thinking about it, is that BZA or is that Zoning  
18 Commission? Because the conditionally permitted use would be  
19 approved by the BZA but the design and the review, if it came  
20 from front of you, would be the Zoning Commission.

21 CHAIRMAN IAFELICE: You know what I would say.

22 MS. FREEMAN: I know, yeah. So I have to make sure  
23 that we can leave that Zoning Commission if this were to go  
24 further than tonight. Obviously, I would want to check on  
25 that.

26 CHAIRMAN IAFELICE: How does that stipulation  
27 impact, gees, right down the street here, the landscape  
28 business that stockpiled all the mulch?

29 MS. FREEMAN: They would be nonconforming. They're  
30 already nonconforming.

1 CHAIRMAN IAFELICE: They're already nonconforming.

2 MS. FREEMAN: So Maple -- Right at the corner here,  
3 Maple Ridge?

4 CHAIRMAN IAFELICE: Yeah.

5 MS. FREEMAN: He's lawful nonconforming. That use  
6 is not even permitted in that district anymore. So he can  
7 continue as is. That really would not impact him.

8 The other landscaper north of here, Landmark, right,  
9 again, he's nonconforming. He's already using almost the  
10 entire property for his outdoor area.

11 Accurate Landscape, I mean, he's still in the middle  
12 of, you know, reconstructing his main building and then making  
13 his changes in accordance with his plans that were already  
14 approved. So that should, that would still be able to  
15 continue.

16 CHAIRMAN IAFELICE: Okay.

17 MS. FREEMAN: I'm thinking this would be really  
18 helpful for new sites or sites that are going to expand  
19 outdoor storage areas. I do have a small concern with what's  
20 happening with 84 Lumber on Crile Road. They are  
21 transitioning their business. I don't know if you've driven  
22 by there but they did demolish several of their shelters they  
23 had used to store all their lumber.

24 MR. LINGENFELTER: They demolished all those  
25 buildings that they had all the their lumber stored in.

26 CHAIRMAN IAFELICE: Transitioning to?

27 MS. FREEMAN: More of a distribution is what I was  
28 told. They're going to do like, inside, they're still going  
29 to do like windows and doors but they might become a  
30 distribution center for one of the other stores, I heard, from

1 Macedonia. And they're possibly looking at paving an area and  
2 doing more outdoor stuff, possibly building another structure  
3 there. I stopped in and talked to the manager, who was like,  
4 "Oh, corporate does all of this." I'm like, "Well, can you  
5 please have them get in touch with me before you guys do  
6 anything, you know, so I can at least point you in the right  
7 direction, give you, you know, help you through the process?"  
8 But being that that's right on a main corridor, if we are  
9 going to do like outdoor storage stuff, they will have to come  
10 to BZA to get that approved.

11 MR. LINGENFELTER: Yeah, that could get ugly.

12 MS. FREEMAN: Yeah.

13 MR. LINGENFELTER: Or it could be good.

14 MS. FREEMAN: Or it could be really good, yeah.

15 I don't know.

16 MR. LINGENFELTER: Yeah. Could be good but it could  
17 get ugly, too, depending on what they're going to do.

18 MS. FREEMAN: Yeah. So that was kind of also my  
19 thinking of maybe we need to enhance this section a little bit  
20 now, just a couple other potential additions.

21 MR. REPERT: What's the definition of an improved  
22 surface under (A)(6), "Outdoor storage area shall be on an  
23 improved surface"?

24 MS. FREEMAN: Well, in our Capital District or  
25 within our commercial districts, we require either asphalt,  
26 gravel -- I am sorry -- asphalt, concrete, like permeable  
27 paver, something like that, not gravel.

28 MR. LINGENFELTER: Just can't dump it on the ground.

29 MR. REPERT: I think some of the outdoor storage  
30 areas in this landscape would not like that at all because

1 they're going to store things. Yeah, they're going to have,  
2 well, just the one up the street here, they have concrete  
3 block here, concrete block here, concrete block on the back  
4 side but then they have the mound and it's all on dirt. All  
5 their storage materials are going to be on dirt. So we're  
6 going to make them pave it? I don't think that's being smart.  
7 If it's behind the building, they can't see it and it's going  
8 to be sectioned off or whatever it may be, let them put it on  
9 dirt. It's better than paving it, in my opinion. Do you want  
10 a permeable surface as opposed to an impermeable surface? So  
11 we're all for that. So you might think about Number 6.

12 MS. FREEMAN: Okay. No, thank you.

13 MR. REPERT: While we're at it, what does 7 say?

14 MR. LINGENFELTER: Do you feel the same way about  
15 gravel too then, Hiram?

16 MR. REPERT: No, gravel is an impermeable surface  
17 but concrete isn't.

18 MR. LINGENFELTER: Right. But I am saying, would  
19 you be, I mean, so your concern is putting like asphalt or  
20 concrete down?

21 MR. REPERT: Yeah.

22 MR. LINGENFELTER: But if they were going to put  
23 gravel down, you would be okay with that?

24 MR. REPERT: Yeah, I would be okay with gravel. I  
25 don't think the contractor would though because whenever he  
26 puts his backhoe in there, he doesn't want to pick up gravel.

27 MR. LINGENFELTER: Scraping up gravel, right. Well,  
28 when he gets towards the bottom, right.

29 MR. REPERT: Yeah. Well, then he knows he's at the  
30 bottom when he picks up gravel.

1 MR. LINGENFELTER: Right, versus dirt.

2 MR. REPERT: Yeah, versus dirt. He can sell dirt  
3 with anything.

4 Same thing about Number 7, secured by a gate. Maybe  
5 the whole area can be secured by a gate. Well, okay, that  
6 would work. Yeah, that would still work. I am just looking  
7 at 6 as a potential problem.

8 CHAIRMAN IAFELICE: Let me ask, Heather, 13.32, this  
9 outdoor storage is, isn't this specifically dealing with  
10 districts -- Oh, no, those districts include where landscaping  
11 companies are. Sorry. Equipment, vehicles, I see why we want  
12 an improved surface but it includes, those districts include  
13 landscaping purpose yeah.

14 MS. FREEMAN: Well, and I agree with you, Hiram. It  
15 is all going to be kind of closed in. Why should we maybe be  
16 dictating what surface they put it on?

17 CHAIRMAN IAFELICE: Right.

18 MS. FREEMAN: I can strike that proposed change.

19 CHAIRMAN IAFELICE: Good point, Hiram. I would have  
20 to agree.

21 But thank you for bringing this to our attention  
22 though, Heather. This is good. That hadn't been in there and  
23 brought it to our attention, I would never have seen the lack  
24 of conditions on outdoor storage.

25 MS. FREEMAN: Right.

26 And then one other small modification, and I don't  
27 know if this goes back to landscapers or not, would be under  
28 Section B of that same outdoor display of goods for sale. I  
29 was suggesting that, under Number 5, that the outdoor display  
30 areas shall also be located on an improved surface. So I am

1 trying to think. So the Concord Rental on Crile where the  
2 hardware store is now, they have some outdoor storage or  
3 display areas for like the U Hauls and that kind of equipment  
4 that they're selling and there were no surface kind of  
5 requirements for where they park that stuff, and I know that  
6 stuff moves around kind of from the grass to the gravel to  
7 the, sometimes they move it to the parking lot.

8 So do we want -- That's just one example of  
9 something might that be outdoor display for sale but I think  
10 it would be easier to maintain that area. If we're asking  
11 them to put it in a neat and orderly fashion, you know, would  
12 it hurt to specify that it be some kind of improved area?

13 MR. REPERT: Just go up here, again, to landscape  
14 or whatever they are, who is it right up here at the corner?

15 MS. FREEMAN: Maple Ridge Garden Center.

16 CHAIRMAN IAFELICE: Maple.

17 MR. REPERT: Yeah. Some of their stuff on the  
18 outside with all the pots and everything like that, that's on  
19 dirt. It's not on an improved surface. So you get your shoes  
20 dirty whenever you want to walk there. So, I mean --

21 MR. SCHINDLER: That has to do, I guess, it depends  
22 on the business itself. If you have trucks and stuff like  
23 that, you would want them on a nice surface where the people  
24 would come and walk around and wouldn't be walking in mud if  
25 it is raining and stuff like that. I think you, as an owner,  
26 would want to be set up like that so it's not going to be a  
27 messy thing for your customers to walk around in because that  
28 doesn't encourage people to do that if it's a mess. I know I  
29 wouldn't do that. So having a hard surface makes sense for  
30 that type of a thing.

1           But if you're talking about landscaping, like you  
2 talk about pots, that's one thing when you walk around looking  
3 at pots. Most landscaping places have areas that you can walk  
4 around and not get all messed up in general because they don't  
5 want their clients to walk around and bring, if nothing else,  
6 bring all that mess back into their showrooms if it happened  
7 to be indoors, you know, dirty boots and everything like that,  
8 too. So I guess it calls for some discretion.

9           MR. REPPERT: I think we're going to get a lot of  
10 BZA if we put that in there.

11          MS. FREEMAN: I hear you. Yeah, I was thinking  
12 about Bremec, too, down the street.

13          CHAIRMAN IAFELICE: Bremec's.

14          MS. FREEMAN: They have some of that outdoor display  
15 area and I know it's either on gravel or right on grass.

16          MR. TERRIACO: If they do more of sales, you'll find  
17 more of a hard surface, but if they do provide more of a  
18 service to you at your home or whatever, then their equipment  
19 will just sit on whatever they, whatever surface they have.

20          MR. SCHINDLER: That's true, right.

21          MR. TERRIACO: Such as Maple Ridge and Landmark.

22          MR. SCHINDLER: Right.

23          CHAIRMAN IAFELICE: Yeah, I think, Heather, the  
24 comment is worthy but I think we're kind of not like excited  
25 about that.

26          MS. FREEMAN: I hear you, totally. No, really,  
27 yeah.

28          CHAIRMAN IAFELICE: But thank you for bringing this  
29 to our attention on the outdoor storage, so really good.

30                 So that was where you were addressing under -- I'm



1 sorry -- Accessory Uses in the Table of Uses, correct?

2 MS. FREEMAN: Correct, yes. So any thoughts from  
3 the board on switching for the B-2 and the M District? Well,  
4 right now, the M is really a moot point. No one is doing any  
5 kind of outdoor storage there now but potentially in the  
6 future they might. If it's set up as just an accessory use,  
7 there really are no conditions that they would have to comply  
8 with other than maintaining proper setbacks from the property  
9 lines.

10 CHAIRMAN IAFELICE: Other than my quizzical look at  
11 accessory use under Accessory Uses --

12 MS. FREEMAN: Right.

13 CHAIRMAN IAFELICE: Is anybody kind of like, What is  
14 that, as opposed to -- It's a conditional use under Accessory  
15 Use. It just -- I don't know. Again, I am trying to  
16 streamline and simplify things. Are you kind of saying, does  
17 it make sense to have a conditional use under Accessory Uses?  
18 If it's an accessory use -- Maybe I've got to think of these.  
19 Like, I actually put an arrow by drive-thru facilities in  
20 association with a permitted or a conditional use, a drive-  
21 thru facility in association with a permitted or conditional  
22 use. And then we, in those districts, it's a conditional use.

23 MS. FREEMAN: Correct.

24 CHAIRMAN IAFELICE: That just confuses me but maybe  
25 there are applications.

26 MR. REPERT: Well, doesn't that just mean that it  
27 has to go through the BZA?

28 CHAIRMAN IAFELICE: It has to go through BZA.

29 MR. REPERT: As opposed to just saying permitted,  
30 it's gone, you know, you don't have to talk to anybody.

1 CHAIRMAN IAFELICE: Yeah, yeah.

2 MR. REPERT: Having the C in that table means it's  
3 got to go through BZA.

4 CHAIRMAN IAFELICE: It goes through BZA. So if it's  
5 listed as an accessory use under Accessory Use, it means it's  
6 permitted as an accessory use.

7 MS. FREEMAN: Correct, by right.

8 CHAIRMAN IAFELICE: By right.

9 MR. REPERT: It doesn't have to go through anybody  
10 after that?

11 CHAIRMAN IAFELICE: No.

12 MR. REPERT: No, it doesn't.

13 MS. FREEMAN: Right, unless they're modifying  
14 something on the site externally that would trigger site plan  
15 review, then it would not be in front of a board if they were  
16 doing --

17 CHAIRMAN IAFELICE: You know what I am getting at,  
18 Heather? I am sorry.

19 MS. FREEMAN: Yeah.

20 CHAIRMAN IAFELICE: I would have thought, if these  
21 were accessory uses, they would be permitted, there would be  
22 P's here, not A's. These are accessory uses within these  
23 districts.

24 MS. FREEMAN: I know.

25 MR. REPERT: And that means they want you to go  
26 through BZA.

27 CHAIRMAN IAFELICE: But, no, I'm asking the  
28 designation of A as an accessory use.

29 MR. REPERT: Then it should be a P.

30 CHAIRMAN IAFELICE: That's what I am asking.

1 MS. FREEMAN: Oh, for any of these under accessory,  
2 I mean, or just --

3 CHAIRMAN IAFELICE: I am just asking the question.  
4 I mean, when I first read these months ago, again, I  
5 registered these questions in my head and it just, I didn't  
6 find my answer in the book, you know. And I thought if these  
7 were --

8 MR. LINGENFELTER: What's your proposal then,  
9 changing from A to C?

10 CHAIRMAN IAFELICE: P.

11 MS. FREEMAN: From A to P.

12 CHAIRMAN IAFELICE: They're permitted. These are  
13 permitted accessory uses.

14 MS. FREEMAN: Okay.

15 CHAIRMAN IAFELICE: And maybe I am wrong but that's  
16 how I --

17 MS. FREEMAN: No, I hear what you are saying now. I  
18 am sorry. I wasn't -- Let's look at Section 22, the section  
19 right before this under 22.02(D), oh, wait, no, C -- sorry --  
20 22.02(C).

21 MR. REPERT: 22.02(C).

22 MS. FREEMAN: Yeah. A use listed in Section 22.03  
23 shall be permitted as an accessory use in a district when  
24 denoted by the letter A. I mean, so should we change that and  
25 say P and then go to the table and change that? I mean, does  
26 that -- I don't know who started this. I mean, it wasn't me.  
27 So we're just making changes as we go along. So, I mean, we  
28 can make some significant changes as long as we look at it  
29 closely and check with legal.

30 MR. LINGENFELTER: It's a work session.

1 MS. FREEMAN: Yeah.

2 CHAIRMAN IAFELICE: It's a work session. I am  
3 sorry. An engineer's mind kind of seeing things in straight  
4 lines and squares.

5 MS. FREEMAN: I know.

6 CHAIRMAN IAFELICE: And it's like this is a  
7 permitted use in the accessory.

8 MR. LINGENFELTER: Would you want to do -- But if  
9 you look at that page, you know, if you look at page 22.7 and  
10 you see all, under Accessory Uses, and you see the vast  
11 majority are C's, would you want to change those to P's or  
12 would you want to change them to C's?

13 CHAIRMAN IAFELICE: I presumed they were labeled C  
14 because it's not permitted accessory use in those districts.  
15 That's why we have C.

16 MR. LINGENFELTER: But you were saying you want to  
17 change them to P's.

18 CHAIRMAN IAFELICE: No, no, the A's.

19 MR. LINGENFELTER: The A's to P's.

20 CHAIRMAN IAFELICE: Yeah.

21 MR. REPERT: The A's to P's, the C's have to go  
22 through BZA.

23 CHAIRMAN IAFELICE: Yeah.

24 MR. LINGENFELTER: So there is nothing in there that  
25 are A's that are accessory uses that you would want to see go  
26 to conditional?

27 CHAIRMAN IAFELICE: Oh, I didn't dive, I didn't do a  
28 deep dive on each one, Andy. I was just --

29 MR. LINGENFELTER: I was just trying to understand  
30 where you are going with this.

1           CHAIRMAN IAFELICE: I just came with the general,  
2 like, I didn't quite understand the designation of A.

3           MS. FREEMAN: Right.

4           CHAIRMAN IAFELICE: But as Heather points out, it is  
5 defined as a permitted use but we're using the letter A.

6           MS. FREEMAN: Well, there could be a way to change  
7 this, you know, and maybe the table is two separate tables.  
8 Here is a table of permitted and conditionally permitted uses  
9 and then here is another table of all your accessory uses.  
10 And then within that, you could have P and C again.

11          CHAIRMAN IAFELICE: Yes.

12          MS. FREEMAN: Because I think like on the table  
13 right now, we have those kind of subheadings like where it  
14 says "accessory uses," but what does that subheading really  
15 mean? Does that mean anything legally? I don't know.  
16 Because like you see right above, like, community facilities,  
17 entertainment, recreation, other. So if we were going to  
18 change A's to P's, I would want to be very clear that these  
19 are the list of accessory uses just because I don't know what  
20 those -- Do those mean meaning?

21          MR. PETERSEN: I think A does equate to a P in this  
22 section because, for the accessory uses, they're all sort of  
23 an additional use, a subordinate use to --

24          CHAIRMAN IAFELICE: Subordinate use.

25          MR. PETERSEN: -- to either a P or a C.

26          CHAIRMAN IAFELICE: Yes.

27          MR. PETERSEN: So in this section, the A's do equate  
28 to a P so long as there is a P or C primary structure or use.

29          CHAIRMAN IAFELICE: Primary, yeah.

30          MR. PETERSEN: So the A's sort of function as a P,

1 in that, as long as there is that permitted use; whereas, the  
2 C's are requiring the BZA approval.

3 CHAIRMAN IAFELICE: Thank you, Keith.

4 And the final page 22.8, they're all A's. They're  
5 all A's.

6 MR. REPPERT: Yeah.

7 MS. FREEMAN: Right.

8 CHAIRMAN IAFELICE: I am raising the question,  
9 Heather. Obviously, again, not something, a decision this  
10 evening. So it was more of a, I am sure we have some due  
11 diligence here to review and understand in case we're glossing  
12 over something that we are just reacting to.

13 MS. FREEMAN: Right, okay.

14 CHAIRMAN IAFELICE: So I am sorry. You were on  
15 outdoor storage. So your recommendation was to make those  
16 conditional uses since they are across the board.

17 MS. FREEMAN: Correct. And then they would bound  
18 them to the same conditions that are in 13.32 as any other  
19 district, especially if that M is going to be adjacent to a  
20 residential district now or the B-2, which I don't have a  
21 Zoning Map in front of me, for some reason. The B-2 tends to  
22 be along the east side of Ravenna, which a lot of those back  
23 up to R Districts and the bike path. So that was a couple of  
24 the reasons why I suggested making those conditionally  
25 permitted uses.

26 CHAIRMAN IAFELICE: Did you have anything else in  
27 the Table of Uses, Heather?

28 MS. FREEMAN: I don't think I did. That was all I  
29 had at this point unless there was anything that the board  
30 wanted to bring up.

1 CHAIRMAN IAFELICE: Yes, I did. Oh, Hiram.

2 MR. REPERT: No, go ahead, go right ahead.

3 CHAIRMAN IAFELICE: Oh, okay. On 22.4, okay, the  
4 first page of page 22.4, the first page of Table of Uses, what  
5 struck me here under Office and Professional Services is that  
6 all of those uses are permitted except one in the Gateway  
7 Business, research and development labs, the only one that has  
8 a conditional use. Looking at the research and development  
9 labs and Gateway Business, it struck me as I did not  
10 understand why it wouldn't be permitted since everything  
11 else -- It's permitted in Gateway Health, it's permitted in  
12 Research. And given the proximity -- I don't have my map in  
13 front of me -- of where Gateway Business is, I'm just asking  
14 the question in consideration that maybe that --

15 (Noise.)

16 MS. FREEMAN: I have no idea what that noise is.

17 MR. SCHINDLER: Is that the telephone or is that  
18 your security system?

19 MS. FREEMAN: (Checked security system.) It seems  
20 normal. I don't know what that noise was.

21 MR. SCHINDLER: Sometimes if it's going off, the  
22 monitoring station will call to make sure everything is okay.

23 MS. FREEMAN: Okay, yeah. That wasn't the phone, so  
24 I will listen for the phone, yeah. It says "Town Hall ready  
25 to arm."

26 MR. SCHINDLER: Ready to arm?

27 MS. FREEMAN: Ready, yeah.

28 MR. SCHINDLER: Was someone trying to come in the  
29 front door?

30 MR. TERRIACO: I heard a noise.

1 MR. SCHINDLER: Did I hear something?

2 MS. FREEMAN: Do you want --

3 MR. LINGENFELTER: Can we pause?

4 MS. FREEMAN: I mean, the front door -- This door is  
5 open because you all came in.

6 CHAIRMAN IAFELICE: Yes.

7 MR. SCHINDLER: I thought I heard someone trying to  
8 come in the front door.

9 MR. TERRIACO: Would you like me to go look?

10 MS. FREEMAN: Do you want to take a --

11 CHAIRMAN IAFELICE: Yeah, we'll take a quick  
12 five-minute break.

13 (Whereupon, there was a recess from 7:59 p.m.  
14 until 8:01 p.m.)

15 CHAIRMAN IAFELICE: Okay. Thank you.

16 Reconvening, where we left off was the question  
17 regarding the research and development labs. Heather, do you  
18 have any initial comment? I know I just kind of hit you cold  
19 this evening.

20 MS. FREEMAN: Right, no, that's fine. I am just  
21 looking right now. What are the specific conditions related  
22 to that use? And I am looking in Section 13.19 and there are  
23 only two conditions, that the use has to have a lot area of at  
24 least 1 acre and 150 foot of street frontage, which looking at  
25 the district's minimums, normally, for any other use you only  
26 need a half acre and 100 foot of frontage. So these two  
27 conditions basically just require a larger lot with more  
28 street frontage. So that's the only difference I see. I  
29 wouldn't --

30 CHAIRMAN IAFELICE: Which is why it's a C then?



1 Which is why it's a conditional use?

2 MS. FREEMAN: That's the only speculation that I can  
3 have unless there is a thought that this type of use would  
4 create more of a potential impact on the adjoining properties.  
5 So what are the other surrounding uses that might already be  
6 in place in the Gateway Business versus some of these other  
7 districts and what the surrounding uses might be? How do we  
8 define this research and development lab?

9 MR. SCHINDLER: I think conditional use is  
10 important, my opinion. I've been to a lot of research  
11 facilities and some of them you wouldn't want in your back  
12 yard, for one thing, depending on what they're doing. I know,  
13 when I was in the machine tool industry, we were doing a lot  
14 of heavy research with different liquids for part of our  
15 machines and some of the stuff had strong vapors, which we, of  
16 course, we isolated within the research center but still there  
17 is the potential. And if that's in an area that's, you know,  
18 if you've got office space, for example, and a day care, for  
19 example, there in proximity, that could be kind of dangerous.  
20 You have to worry about that, especially fire and stuff like  
21 that just like you do about gases that you can't smell. You  
22 get research nowadays, you could involve all types of  
23 different types of research.

24 MR. TERRIACO: Absolutely.

25 MR. SCHINDLER: Which could be hazardous and not  
26 environmentally safe.

27 CHAIRMAN IAFELICE: Okay. Thank you, Frank.

28 MR. SCHINDLER: So I would say conditional.  
29 Everything should be judged on its merits.

30 MS. FREEMAN: I like that thought process but then

1 why do we have it permitted under the Capital District?

2 CHAIRMAN IAFELICE: That's what I was just going to  
3 say, it's under Capital, yeah. I was just going to say, it's  
4 over here.

5 MS. FREEMAN: Yeah.

6 MR. SCHINDLER: I bring that up right now. It  
7 brings up another conversation.

8 CHAIRMAN IAFELICE: It does, yeah.

9 MR. SCHINDLER: You might want to consider two  
10 things regarding that.

11 MS. FREEMAN: And as far as Gateway Health District,  
12 there are no other vacant, there are no properties in the  
13 township zoned Gateway Health other than the Concord Village  
14 skilled -- or Concord Village skilled nursing and the assisted  
15 living. So, basically, the only other location would be back  
16 in the, off of Capital, Discovery, RD-2 for permitted use. We  
17 might want to think about making that conditional.

18 CHAIRMAN IAFELICE: In the Capital.

19 MS. FREEMAN: In the Capital District then, talking  
20 about this.

21 MR. SCHINDLER: Yeah, big time, I would suggest it.

22 MS. FREEMAN: Or is that even appropriate there? I  
23 mean, let's take it even a step further.

24 CHAIRMAN IAFELICE: Yes, good question.

25 MR. SCHINDLER: There again, looking at what's in  
26 the surrounding areas, that's important.

27 MS. FREEMAN: Right.

28 CHAIRMAN IAFELICE: Given the vision of the Town  
29 Center there, it would seem to me, and given your description  
30 of what research and development lab is, I would like to say

1 no.

2 MR. SCHINDLER: No, it makes perfect sense.

3 CHAIRMAN IAFELICE: Yeah.

4 MR. SCHINDLER: Especially depending if you're  
5 encouraging people to use that as a way for recreation and  
6 walking around and stuff. That would be a -- You wouldn't  
7 want something like that in areas like that, possibly.

8 CHAIRMAN IAFELICE: Well, that's why we called this  
9 a work session because I brought up the C here but now it got  
10 us to maybe a more important point about permitted use in the  
11 Capital District with a lab.

12 MR. SCHINDLER: Correct.

13 CHAIRMAN IAFELICE: That's a good, it's a strong  
14 consideration.

15 MR. SCHINDLER: Big time.

16 CHAIRMAN IAFELICE: I would say.

17 I mean, I would just make a note of that one as  
18 well, Heather, unless there is any objection from anybody else  
19 on the board.

20 MR. SCHINDLER: No.

21 MR. REPERT: Well, do you want to look at all of  
22 the P's for research and development under Research and  
23 Limited Industrial, Gateway Health and Capital all, and  
24 Manufacturing, get rid of that one. But if that's the concept  
25 that we're questioning, we should have C's across the board  
26 for that.

27 MR. LINGENFELTER: I think it would be okay in the  
28 Research and Limited Industrial but then the other, Gateway  
29 Health and Capital, I think, should be --

30 MR. REPERT: Would be C's?

1 MR. LINGENFELTER: Would be C's. And I don't know.  
2 What are we doing? We haven't really formally decided what  
3 we're doing with Manufacturing.

4 CHAIRMAN IAFELICE: Right, right.

5 MR. LINGENFELTER: Yeah, I agree. I think that P is  
6 the, I think permitted in Research and Limited Industrial --

7 MR. REPERT: Limited industrial.

8 CHAIRMAN IAFELICE: That's the only one.

9 MR. LINGENFELTER: -- would be okay and then  
10 everything else should be changed to C. That's my thought.

11 CHAIRMAN IAFELICE: I agree with that.

12 MR. REPERT: Yeah, I agree.

13 MS. FREEMAN: And then with that, we might want to  
14 take a look at, should there be some additional specific  
15 conditions related to that? Otherwise, it's almost like a  
16 shoe-in for research and development labs. I mean, you are  
17 basically telling them to have 1 acre and 150 foot of street  
18 frontage. Then you get into that more vague kind of what  
19 other kind of -- Then you have to kind of look at -- I am  
20 sorry -- the general standards in 13.05 that are applicable to  
21 any conditional use. And if the BZA was going to potentially  
22 say no to an applicant, they would have to prove that, well,  
23 maybe this is okay because it kind of goes into some of the  
24 potential negative impacts that a conditionally permitted use  
25 might have an in area, will not be hazardous or disturbing to  
26 neighboring uses, served adequately by essential public  
27 facilities, won't create excessive additional requirements. I  
28 think, actually, some of these might -- I just have to refresh  
29 my memory on what was in the general conditions. So coupled  
30 with the two, I might just want to take a look at that. I

1 will make a note to see if there might be something else we  
2 might want to consider adding as a specific condition related  
3 to that use.

4 CHAIRMAN IAFELICE: Very good, yeah, good  
5 discussion. I think the consideration there we just had is,  
6 considered other than research, to make them all conditional  
7 use.

8 My next question -- Hiram, I am sorry. I have  
9 another one. My next was under --

10 MR. REPERT: Oh, no --

11 CHAIRMAN IAFELICE: Under the Town Hall Commons on  
12 the same page, 22.4, right here, so this is the only area,  
13 right, zoned Town Hall Commons? There is a conditional use  
14 for restaurants and restaurant/counter service. Is this  
15 something that is desirable here in this location? When I say  
16 "this location," let me pull up the map of Town Hall Commons.

17 MS. FREEMAN: This is your map, Hiram. You can  
18 share.

19 MR. REPERT: Oh, okay. THC, purple.

20 CHAIRMAN IAFELICE: Yeah, it's basically this, the  
21 opposite across the street.

22 MS. FREEMAN: The dark brown.

23 CHAIRMAN IAFELICE: It's the dark brown.

24 MR. REPERT: If you say so. It looks like purple  
25 to me. Right here. Here it looks dark brown. There it looks  
26 -- I guess it is dark brown, okay. That's where we are.

27 CHAIRMAN IAFELICE: Yeah. It wasn't a major  
28 concern. I just brought it up seeing how the Crile and the  
29 future Town Center has developed here in the township and this  
30 has become mainly the center of public safety, fire.

1 MR. SCHINDLER: Government.

2 MS. FREEMAN: Church.

3 MR. REPPERT: Government and church.

4 CHAIRMAN IAFELICE: Government, church, yeah.

5 MS. FREEMAN: Well, we'll have, I mean --

6 CHAIRMAN IAFELICE: I mean, if there was a small  
7 restaurant across the street, is that -- That's Town Hall  
8 Commons.

9 MR. REPPERT: It would have a good lunch business.

10 CHAIRMAN IAFELICE: Yeah, yeah.

11 MR. SCHINDLER: A lot of places now they encourage  
12 food trucks, you know, the mobile. They come up and serve  
13 hamburgers and stuff like that, all kinds of things. I know  
14 they have festivals, communities have festivals. You see all  
15 these food trucks lined up in the area.

16 CHAIRMAN IAFELICE: Sure.

17 MR. SCHINDLER: Serving people all kinds of  
18 different meals.

19 MR. LINGENFELTER: Didn't we give Zappitelli a  
20 rezone on the parcel across the street at one point? He was  
21 looking at putting a restaurant there.

22 MS. FREEMAN: I remember there was a discussion  
23 about that.

24 MR. LINGENFELTER: Yeah, I remember.

25 CHAIRMAN IAFELICE: Oh, really?

26 MR. LINGENFELTER: Then he kind of just bagged it.  
27 I remember we gave him a, we did a, we either did a rezone or  
28 we gave him the --

29 MS. FREEMAN: Or you added the use maybe.

30 MR. LINGENFELTER: We added the use.

1 MS. FREEMAN: Probably, when you rezoned it Town  
2 Hall Commons, yeah.

3 MR. LINGENFELTER: It's that narrow strip across the  
4 road that goes back to the woods right across, next to  
5 Discovery whatever, Discovery Den or whatever it is there.

6 MS. FREEMAN: Just south of the landscaper, of Maple  
7 Ridge, a vacant lot.

8 MR. LINGENFELTER: Yeah, south, south on Ravenna  
9 Road.

10 CHAIRMAN IAFELICE: Okay.

11 MS. FREEMAN: And then there is like three lots on  
12 that side. Zappitelli owns about two of those.

13 MR. LINGENFELTER: Yeah. But then he -- I don't  
14 remember what happened but he kind of just decided not to  
15 pursue it but they were looking at -- because it was all the  
16 hubbub with the people that were living back in the Hunt Club  
17 because they were concerned about lights and a patio, outdoor  
18 patio and music and stuff like that and being right in their  
19 back yard and there were some issues with that. And I think  
20 that may have been, I think that may have been enough of a  
21 deterrent that he decided not to do it because there were some  
22 people right in that general area, in Hunt Club that weren't  
23 real happy with that idea.

24 CHAIRMAN IAFELICE: That's kind of why I raise the  
25 question, given this location, traffic, lighting, noise,  
26 everything that a restaurant brings.

27 MR. LINGENFELTER: But it's conditional.

28 CHAIRMAN IAFELICE: It's conditional.

29 MR. LINGENFELTER: So they would have to meet the  
30 conditions, right?

1           CHAIRMAN IAFELICE: Yeah. It wasn't a major thing  
2 that I had a concern with.

3           So those were my questions on that page, Hiram. So  
4 I yield, I yield to you, Mr. Reppert.

5           MR. REPERT: Okay. Number one, I am a little bit  
6 off because I thought we were going to focus on Capital. Now,  
7 I will be more than happy to start going through the rest of  
8 the table if we decide which ones we want to look at, such as  
9 Town Hall or whatever.

10          Okay. That aside, let's go back to Capital. I am  
11 on page 22.5. No, I am not. I am on the next page, 22.7.  
12 And I know there is a lot of conditions to this thing but why,  
13 in the Capital District and a whole bunch of other ones, do we  
14 allow surface extraction of sand, gravel, and other earth  
15 materials? Is there something that says we have to have that?  
16 I sure wouldn't want somebody, if I am in a Capital District  
17 and a lot of the other ones, I wouldn't want somebody digging  
18 in my side yard.

19          MS. FREEMAN: Hiram, I asked Mike Lucas. I haven't  
20 got a response yet.

21          MR. REPERT: Okay, okay.

22          MS. FREEMAN: So --

23          CHAIRMAN IAFELICE: What's the question?

24          MS. FREEMAN: Whether or not we are legally required  
25 to allow that as a conditionally permitted use. Why do we  
26 even have in it there?

27          CHAIRMAN IAFELICE: We are removing gas stations and  
28 car washes. Why is this any different?

29          MS. FREEMAN: I know. For some reason, there was  
30 something in the back of my mind that I thought there was



1 something in the Ohio Revised Code that said that we couldn't  
2 prohibit it, and so I was asking Mike to --

3 MR. LINGENFELTER: It may have to do with mineral  
4 rights.

5 MS. FREEMAN: Yes. I am not sure though, yeah.

6 MR. LINGENFELTER: It could have to do with mineral  
7 rights.

8 CHAIRMAN IAFELICE: Interesting.

9 MR. LINGENFELTER: Yeah, if you have mineral rights,  
10 if there is something of value underneath the ground, you  
11 would have a right to extract it.

12 MR. REPERT: No matter where it is?

13 MS. FREEMAN: But sand, gravel or other earth  
14 materials.

15 MR. LINGENFELTER: Can you limit it?

16 MR. REPERT: Sand, gravel and other earth  
17 materials, that's you can dig anything.

18 MR. LINGENFELTER: It's the "other earth materials,"  
19 I think, that gets you.

20 MS. FREEMAN: Yeah. Keith, are you familiar with  
21 the ORC or any of that?

22 MR. REPERT: And if you look at 13.3, 13.4, 13.5,  
23 we go on and on and on for all the requirements but, gees, I  
24 sure wouldn't want it in my side yard. But be that as it may,  
25 we asked the question and haven't gotten an answer back.

26 CHAIRMAN IAFELICE: Oh, you're right.

27 MR. REPERT: There's a lot.

28 CHAIRMAN IAFELICE: Yeah.

29 MS. FREEMAN: The very first specific condition is  
30 you have to have at least 50 acres.

1 MR. REPPERT: Well, that excludes a lot of them  
2 right there, doesn't it?

3 MS. FREEMAN: I am just mentioning that. I mean, we  
4 can still pursue this a little bit more if we need to.

5 MR. SCHINDLER: Well, that in itself would stop it.

6 MS. FREEMAN: They've got to be 200 feet away from  
7 any R-1, R-2, 3, 4 or 6 districts.

8 MR. SCHINDLER: And with the Capital District being  
9 planned to be developed, I think that would shoot everything,  
10 you know. It wouldn't be putting that in the middle of that  
11 kind of a district in the first place. So just the nature of  
12 the requirement for the size would stop it from going in  
13 there.

14 CHAIRMAN IAFELICE: Well, I appreciate your  
15 question, Hiram. Even though it's focusing on Capital, you  
16 brought up, for me, the question on all these districts for  
17 extraction.

18 MR. REPPERT: Well, yeah, but 50 acres is --

19 CHAIRMAN IAFELICE: Yeah, right, right, right.

20 MR. REPPERT: And that means it can't be in R-1?

21 MS. FREEMAN: Correct, yeah, it's not listed in the  
22 Residential section at all.

23 MR. LINGENFELTER: Wow.

24 MR. REPPERT: I think we eliminated earth material  
25 excavation in Concord Township just by that, okay.

26 CHAIRMAN IAFELICE: Unless a consolidation of  
27 parcels.

28 MR. REPPERT: And then the other one I had that I  
29 really don't agree with is the C in Capital in outdoor storage  
30 and/or display in association with a permitted or conditional

1 use. I think we ought to leave that one blank if we're  
2 looking at Capital District.

3 MR. LINGENFELTER: I am good with that.

4 CHAIRMAN IAFELICE: I agree with it as well,  
5 especially if it's not on a paved surface.

6 MR. LINGENFELTER: Right.

7 CHAIRMAN IAFELICE: That was a joke. That was a  
8 joke just for you, just for you, Hiram.

9 MR. LINGENFELTER: An improved surface.

10 MR. SCHINDLER: We've got to get you at least once  
11 in a meeting anyway.

12 MR. REPERT: You know this glass of water is half  
13 full.

14 MR. LINGENFELTER: Oh, boy.

15 MR. SCHINDLER: Get out of the way, Andy.

16 CHAIRMAN IAFELICE: No, this is a really good point  
17 there on the Capital District. Anybody have an objection to  
18 removing that as conditional use?

19 MR. LINGENFELTER: No.

20 MR. SCHINDLER: No, fine with me.

21 MS. FREEMAN: I would ask you maybe just to consider  
22 retail display of sale of goods. Would it be appropriate for  
23 any of those type of uses to want to be able to offer for sale  
24 something outside, you know, even if it was --

25 MR. LINGENFELTER: Like what?

26 CHAIRMAN IAFELICE: Summertime, a boutique shop  
27 that's in the Capital that has --

28 MS. FREEMAN: Yeah.

29 MR. REPERT: Well, as long as you bring it in at  
30 night.

1 MR. LINGENFELTER: I was going to say. That's what  
2 I said, like what? What are we talking about? Are we talking  
3 about just putting stuff out on the sidewalk or are we talking  
4 permanent?

5 MS. FREEMAN: Right. I was thinking, I guess, a  
6 little bit more temporary type stuff but it kind of already  
7 happens already in some retail areas in the township that we  
8 don't get too worked up about, like the little boutique over  
9 in Grist Mill, Sofia. Is that what it's called?

10 CHAIRMAN IAFELICE: Sofia Boutique, yeah.

11 MS. FREEMAN: Yeah, she puts stuff out and then  
12 brings it in.

13 CHAIRMAN IAFELICE: Brings it back in.

14 MR. REPERT: Brings it in at night. There's a  
15 boutique in Concord Plaza that does the same thing.

16 MS. FREEMAN: She does it too, okay.

17 MR. REPERT: Same thing.

18 MS. FREEMAN: See, I don't know that one, yeah.

19 MR. REPERT: Yeah.

20 MS. FREEMAN: But black and white, that really, you  
21 know, okay.

22 MR. REPERT: That's not really outdoor storage,  
23 that's outdoor display.

24 MS. FREEMAN: Right, yeah.

25 MR. REPERT: Only in nice weather.

26 MS. FREEMAN: Right, more of a temporary type of  
27 use.

28 MR. REPERT: Yes, yes.

29 CHAIRMAN IAFELICE: On an improved surface.

30 MR. TERRIACO: On the sidewalk.

1 MR. REPERT: How long do I have to take this abuse?  
2 MR. LINGENFELTER: You set yourself up for it,  
3 Hiram. You've got to take it now.  
4 CHAIRMAN IAFELICE: Make a point of it every  
5 meeting.  
6 MR. REPERT: I am all for it. Go right ahead. If  
7 that's the best, the least you got on me, that's okay.  
8 MR. LINGENFELTER: Come on. You're an umpire.  
9 You've got to have thick skin anyway.  
10 MR. REPERT: Oh, yeah, I do.  
11 CHAIRMAN IAFELICE: That's a solid recommendation we  
12 want to consider.  
13 MR. REPERT: And I've been married for 52 years.  
14 It just rolls right off my back.  
15 CHAIRMAN IAFELICE: Any others on Capital you want  
16 to bring up, Hiram?  
17 MR. REPERT: No, sir.  
18 CHAIRMAN IAFELICE: Okay, thank you.  
19 MR. REPERT: Now, if we want to tackle some other  
20 districts with everybody --  
21 CHAIRMAN IAFELICE: It's all in the Table of Uses.  
22 MR. REPERT: I would be more than happy to.  
23 CHAIRMAN IAFELICE: So before we do, I failed to  
24 mention what you brought up, Heather, the IS/PD district as  
25 well.  
26 MS. FREEMAN: Correct.  
27 CHAIRMAN IAFELICE: Did you want to --  
28 MS. FREEMAN: Yeah, we can move into that.  
29 CHAIRMAN IAFELICE: Cover that as well?  
30 MS. FREEMAN: Yeah. That way, if we want to prepare

1 a little bit more on some of the other districts for the next  
2 meeting --

3 CHAIRMAN IAFELICE: Because we can prepare a little  
4 bit more on the Table of Uses. We've covered a lot. We've  
5 been going an hour and a half. So at least cover the IS/PD  
6 this evening and then we're going to continue this work  
7 session, of course.

8 MS. FREEMAN: Right, for sure.

9 CHAIRMAN IAFELICE: Okay.

10 MS. FREEMAN: Okay. So if we want to switch gears  
11 here a little bit, section, back in Section 13 under the  
12 Conditional Use, it starts at the bottom of page 13.27,  
13 Section 13.36, Innovative Site/PD is a conditionally permitted  
14 use in the Capital District. So if you're looking at the use  
15 table, I suggested adding a few additional permitted uses.  
16 And, again, this, some of this is related to some of the  
17 modifications and suggestions to this planned unit  
18 development. Back in 2017 when we were working with the  
19 Trustees and the Zoning Commission, we were looking at adding  
20 some of these uses. I've kind of resurrected a few of those  
21 for your consideration tonight.

22 As part of this potential Town Center area, we could  
23 envision some kind of community or neighborhood parks within  
24 there. We would want to make sure that it was clear to anyone  
25 looking at this that those are uses that we would want there.  
26 So I think that by adding them in as permitted, it shows that  
27 those are assets that we would want. Same thing if a school  
28 wanted to locate there, we would encourage that within this  
29 area as well. Maybe no more under this outdoor retail sales  
30 that I had listed as a potentially conditionally permitted

1 use. At the time, I was thinking, you know, kind of like the  
2 temporary type outdoor little retail uses. We would want to  
3 allow them but maybe want to regulate them or, at least,  
4 review it conditionally that we, if there were any concerns  
5 about the location or placement of those retail areas that the  
6 BZA could review that.

7 And then continuing on to the next page, this kind  
8 of moves into those accessory uses and it's the same lettering  
9 system that we had in Section 22.

10 CHAIRMAN IAFELICE: Yes.

11 MS. FREEMAN: And A would be, basically, a permitted  
12 accessory use. Looking at eliminating this restaurant/cafe  
13 and just doing a little cleanup here on some of the listings,  
14 meeting, banquet facilities, swimming pools and tennis courts,  
15 removing accessory buildings as a, potentially, as an  
16 accessory use and adding in a few others such as possibly a  
17 gazebo or some other featured element, a tower, a fountain,  
18 like an interest area within this development.

19 CHAIRMAN IAFELICE: When you say with reference to a  
20 tower, are you referring to an architectural piece or element?

21 MS. FREEMAN: Yeah. I think, at one time, there was  
22 a thought of some type of clock tower or something.

23 CHAIRMAN IAFELICE: Clock tower, it's in the, it's  
24 in the Town Center --

25 MS. FREEMAN: Yes, right, there is some renderings  
26 in the Town Center.

27 MR. REPPERT: My only comment was on page 13.3 or  
28 13.30, meeting and banquet facilities, you have that as an A.  
29 I thought it would be a C. I don't see where it would fit  
30 into -- Would it fit under a community center to be an A?

1 MR. LINGENFELTER: Which one are you referencing  
2 there, Hiram?

3 MR. REPERT: Well, I am looking at meeting and  
4 banquet facilities on page 13.30. It's listed as an accessory  
5 use, which means it's got to fit with a permitted use. And  
6 which permitted use? Hotels/motels, is that what the thought  
7 process is?

8 MS. FREEMAN: That's what I was just looking at.  
9 Yes, I think that, yes, a hotel/motel would, more than likely,  
10 have --

11 MR. REPERT: Meeting or banquet facilities?

12 MS. FREEMAN: -- some type of meeting or banquet  
13 facility.

14 MR. REPERT: Don't we have that already? We have  
15 that already under entertainment and recreation.

16 MS. FREEMAN: Right, as a stand-alone permitted use.

17 MR. REPERT: As a P.

18 MS. FREEMAN: Yeah, as like a principal use of the  
19 property. So you can either do that as the principal use of  
20 the property or --

21 MR. REPERT: And also --

22 MS. FREEMAN: -- and be an accessory to another  
23 permitted use, such as a hotel.

24 MR. REPERT: I see, okay.

25 MS. FREEMAN: I know the hotel would be the first,  
26 the one that really stands out that might actually do that but  
27 there was another one, too, that I was thinking. Okay, no,  
28 yeah.

29 CHAIRMAN IAFELICE: A restaurant.

30 MS. FREEMAN: Yeah.



1           CHAIRMAN IAFELICE: That has a banquet hall attached  
2 to it or something.

3           MS. FREEMAN: Right.

4           CHAIRMAN IAFELICE: Can I ask, Heather, given the  
5 Capital District, is school, a school envisioned as --

6           MS. FREEMAN: There was at one time a discussion  
7 about -- I don't know if you are familiar with the iSTEM  
8 school.

9           CHAIRMAN IAFELICE: Sure.

10          MS. FREEMAN: So back when we were originally  
11 talking about this Town Center in the 2017, iSTEM was actually  
12 housed inside the Auburn Career Center and I know that they  
13 were looking for a location and that was kind of on the table  
14 at the time because we were all in on this RFQ, RFP. If  
15 someone were to move forward with this, you know, maybe  
16 everything fell into place and we could partner or something  
17 like that. So I think there was, at that time, there was an  
18 idea of maybe that type of school, not like a traditional like  
19 elementary school or I don't think Riverside is going to do  
20 anything like that but maybe a charter school or some sort of  
21 satellite school or maybe that's kind of off the table now.  
22 I'm not sure.

23          CHAIRMAN IAFELICE: I guess, whether it was on or  
24 off the table, I mean, a school brings bus traffic, schools,  
25 parking, cars, vehicles into it into an area that, at least,  
26 from what, Town Center, I personally don't see it as a fit.

27          MS. FREEMAN: Right, you know, yeah.

28          CHAIRMAN IAFELICE: Almost like car washes.

29          MS. FREEMAN: And I am thinking about like our  
30 definition of school is vary broad and it would include all

1 the types of schools from elementary all the way up to like  
2 colleges. So maybe that's not a good addition.

3 CHAIRMAN IAFELICE: Is that a concern from anyone?

4 MR. REPPERT: Would it be better as a C or just  
5 eliminate the P altogether?

6 CHAIRMAN IAFELICE: Well, this is an addition,  
7 right? The school wasn't in here in the first place.

8 MS. FREEMAN: Right.

9 MR. REPPERT: Okay.

10 CHAIRMAN IAFELICE: So it wasn't in there.

11 MR. REPPERT: It wasn't in there at all.

12 MS. FREEMAN: But I proposed it as a P, as permitted  
13 versus conditional, but I don't know. I guess we would have  
14 to maybe look at what -- It would still potentially have the  
15 same additional impacts that Rich was saying whether or not it  
16 was a conditionally or a permitted use, all the additional  
17 traffic, buses.

18 MR. SCHINDLER: Just take it out altogether.

19 MS. FREEMAN: Right, maybe we don't have it, yeah.

20 MR. REPPERT: I am for that.

21 MR. SCHINDLER: Yeah, I am for taking it out  
22 altogether, right.

23 MR. REPPERT: Take it out.

24 MR. SCHINDLER: Right.

25 MR. TERRIACO: Because school could be defined as  
26 two different things. So preschool through 12, grade 12, is  
27 educational. So Auburn Career Center, anything over grade 12  
28 becomes a business. So it's a school facility but it's adult  
29 education is what it changes to. So you go from buses or, if  
30 you put in a different type of education, it could become a

1 lot of car traffic like Auburn Career Center.

2 MR. REPERT: Auburn Career Center also has a lot of  
3 bus traffic.

4 MR. TERRIACO: For the children during the day, yes,  
5 but then adult education brings all the car traffic.

6 MR. REPERT: Right.

7 MS. FREEMAN: I am just reading. Our definition is  
8 very broad.

9 CHAIRMAN IAFELICE: The school, yeah.

10 MS. FREEMAN: Yeah, it goes all the way from  
11 elementary to kinder, you know, to middle school, junior high,  
12 high school, vocational, special ed, colleges, junior  
13 colleges, universities, continuing education facilities, high  
14 tech vocational postsecondary education facilities. So  
15 they're all grouped together.

16 CHAIRMAN IAFELICE: And outdoor retail sales.

17 MS. FREEMAN: Again, along the same thought process,  
18 I had maybe some kind of, trying to maybe allow for those  
19 retail uses to have some outdoor display areas, sidewalk  
20 sales, those type of uses.

21 CHAIRMAN IAFELICE: If it's defined that way. Can  
22 you define it that way if you're saying it's --

23 MS. FREEMAN: We could, yeah, because right now  
24 I threw it as a C, so there are no conditions specifically for  
25 that. So we could consider writing up a few very basic  
26 like --

27 CHAIRMAN IAFELICE: Temporary.

28 MS. FREEMAN: Not blocking the entrance or stuff  
29 comes in at night or that kind of thing.

30 MR. REPERT: Yeah.

1           CHAIRMAN IAFELICE: Yeah, I think that's acceptable  
2 for C.

3           MS. FREEMAN: But at least we're requiring them,  
4 okay, a requirement to come in front of the board and actually  
5 show like what they are thinking, where they put it, make sure  
6 it is a safe location, not blocking entrances to the building  
7 or anything like that that would make the Fire Department mad.

8           MR. TERRIACO: Don't want to do that.

9           CHAIRMAN IAFELICE: These are good comments here for  
10 that section. Thank you, Heather. Anything else you had?

11          MS. FREEMAN: That's all I had for this.

12          CHAIRMAN IAFELICE: Okay, okay. Well, we covered a  
13 number of varying issues here. So I think, at this time, I am  
14 going to have to read the minutes very thoroughly and take  
15 some, I took some copious notes but it certainly didn't cover  
16 everything we were talking about here.

17                 Knowing we're obviously going to have a continued  
18 work session on this, I don't know if the board wants to  
19 continue discussion. I know other areas in terms of Table of  
20 Uses that we want to continue discussion while it is fresh in  
21 our mind. We kind of covered a lot of them here already. I  
22 think Hiram was going to bring up something under the Table of  
23 Uses. Maybe we just continue that discussion a few more  
24 minutes.

25          MR. REPERT: Well, like I said, I am not prepared  
26 to discuss anything other than Capital that I reviewed.

27          CHAIRMAN IAFELICE: Oh, okay, okay.

28          MR. REPERT: But if we want to, say, pick two or  
29 pick three, whatever, for the next meeting, I would be more  
30 than happy to give you my two cents and I am sure everybody

1 else would, too. If we're going to revise the table, we might  
2 as well revise it all at once instead of piecemeal.

3 CHAIRMAN IAFELICE: Yeah, I guess that's what I  
4 guess I was thinking. And to your point, Hiram, maybe it's  
5 not all collectively, just grabbing the first two or three,  
6 two or three, three at a time.

7 MR. REPPERT: That's fine.

8 MS. FREEMAN: Mr. Chairman.

9 CHAIRMAN IAFELICE: Yeah, please.

10 MS. FREEMAN: Would it be another way to look it,  
11 similar to what you did when you looked at the research and  
12 development labs, look at that use and kind of across the  
13 board where is it allowed and then maybe that would get us  
14 into looking at what the conditions are surrounding that use.  
15 Then we could look at where would it be appropriate? Do we  
16 need to make changes? And then what are these actual  
17 conditions? Do we need to make any revisions to that as well?

18 CHAIRMAN IAFELICE: In other words, attack it  
19 horizontally.

20 MS. FREEMAN: Possibly, yeah, yeah, I know, yeah.

21 CHAIRMAN IAFELICE: Okay.

22 MS. FREEMAN: In chunks, like, do we look at all the  
23 office and professional uses?

24 CHAIRMAN IAFELICE: Yes, yes.

25 MS. FREEMAN: And then we maybe --

26 CHAIRMAN IAFELICE: Retail and personal.

27 MS. FREEMAN: -- take half the retail? You know, I  
28 don't know. And then look at all the automotive/  
29 transportation uses, kind of look at it that way.

30 CHAIRMAN IAFELICE: I like that suggestion.

1 MR. REPPERT: I like that.

2 CHAIRMAN IAFELICE: Yeah. If we, perhaps, we can  
3 divide that up, Heather, for succeeding months here, to your  
4 point, picking up the first two or three and then two or three  
5 and maybe get, approach it so that maybe we've completed it  
6 over three months or three sessions, perhaps.

7 MS. FREEMAN: Okay.

8 CHAIRMAN IAFELICE: Divide it up in thirds.

9 MS. FREEMAN: And focusing on like just conditional  
10 uses or all of them?

11 CHAIRMAN IAFELICE: If we're, my thinking is all of  
12 them on the Table of Uses.

13 MS. FREEMAN: Okay.

14 CHAIRMAN IAFELICE: Obviously, I brought up the  
15 question about accessory use using A under --

16 MS. FREEMAN: Oh, right, yeah.

17 MR. LINGENFELTER: Well, we've got ten categories.  
18 We discussed Capital, so that leaves nine. So that would fit  
19 with your, if we do it over three sessions. Attack three,  
20 attack three per session over three sessions, that will --

21 MR. REPPERT: If we did it vertically. Now we're  
22 talking about horizontally.

23 CHAIRMAN IAFELICE: Heather was suggesting going  
24 horizontal.

25 MR. REPPERT: Horizontal. Looking at office and  
26 professional services, see where they fit in.

27 CHAIRMAN IAFELICE: Horizontally is a lot more work.  
28 There's a lot more. It's a lot more.

29 MR. REPPERT: No, I don't --

30 CHAIRMAN IAFELICE: What do you think, Heather, keep

1 to the --

2 MS. FREEMAN: However you guys want to do it.

3 CHAIRMAN IAFELICE: Yeah, I know, I know.

4 MS. FREEMAN: I mean, if you want to do it by  
5 district.

6 CHAIRMAN IAFELICE: Just trying to be productive  
7 without taxing.

8 MS. FREEMAN: I know. It's hard to tackle the whole  
9 Table of Uses even over three meetings.

10 CHAIRMAN IAFELICE: No doubt, yeah, no doubt, maybe  
11 that's being optimistic.

12 MR. REPERT: I like the horizontal way.

13 CHAIRMAN IAFELICE: Yeah, my initial, when Heather  
14 suggested that, yeah.

15 MR. REPERT: The more I look at it, I like the  
16 horizontal way.

17 CHAIRMAN IAFELICE: Yeah. And then we'll take the  
18 time that's needed.

19 MR. REPERT: Look at the use and then see where you  
20 think that use fits as opposed to coming down. I like going  
21 horizontal.

22 CHAIRMAN IAFELICE: Yeah, I do, too.

23 MR. REPERT: Now, as for a check, I think you ought  
24 to go through vertically and horizontally just as a second  
25 check.

26 CHAIRMAN IAFELICE: Okay. So --

27 MS. FREEMAN: Well, right, yeah.

28 CHAIRMAN IAFELICE: So it's like Tic-Tac-Toe.

29 MR. REPERT: Yeah.

30 CHAIRMAN IAFELICE: And I will put an X and you put

1 an O.

2 MR. REPPERT: Yeah, yeah.

3 CHAIRMAN IAFELICE: All right.

4 MR. LINGENFELTER: I am in agreement.

5 CHAIRMAN IAFELICE: Okay.

6 MR. REPPERT: No, I like horizontal, really, I do,  
7 more than vertical.

8 MS. FREEMAN: Do we need to look at office and  
9 professional services, I mean -- I know, sorry -- other than  
10 these R, research and development labs, which --

11 CHAIRMAN IAFELICE: Yeah, I am glad you brought that  
12 up because --

13 MS. FREEMAN: Some of it, I feel like maybe, yeah.

14 CHAIRMAN IAFELICE: Is it necessary?

15 MS. FREEMAN: Right.

16 CHAIRMAN IAFELICE: Is it necessary? We hit  
17 research and development labs, a real good suggestion here to  
18 make them all C except research.

19 MS. FREEMAN: Yeah. Maybe we try to focus on, in  
20 addition to these -- Okay. So for next month, what I am  
21 hearing is that I am going to come back with a little bit more  
22 information regarding the M District and whether or not we  
23 want to potentially rezone that to maybe B-2 or some other  
24 district.

25 CHAIRMAN IAFELICE: Yes.

26 MS. FREEMAN: So I will take a look at, you know,  
27 comparing uses, lot sizes and that kind of, those kind of  
28 things for you.

29 And then I have noted some other specific changes in  
30 here that sounds like we were in agreement on, so I can make



1 those revisions as well.

2 And then I think, okay, should we focus on some of  
3 these retail and personal service uses, like everybody kind of  
4 take a look at what's in there currently?

5 CHAIRMAN IAFELICE: Yes, yes.

6 MS. FREEMAN: What's on that first page on 22.4?

7 CHAIRMAN IAFELICE: And top of the second.

8 MS. FREEMAN: Restaurant and business services?

9 CHAIRMAN IAFELICE: Retail and personal, all  
10 inclusive.

11 MS. FREEMAN: The whole section, yeah, okay.

12 CHAIRMAN IAFELICE: Again, like you said --

13 MR. REPERT: And automotive is not huge either.

14 CHAIRMAN IAFELICE: Yeah.

15 MS. FREEMAN: Yeah, right.

16 MR. REPERT: We went through that pretty quick.

17 MS. FREEMAN: We'll focus on that whole retail and  
18 personal services in January.

19 And then while you are looking at that stuff, and I  
20 will also look at it, too, if you take a look at what are the  
21 conditions that correlate to that in Section 13, I think that  
22 would be productive.

23 CHAIRMAN IAFELICE: Yes, that would be productive,  
24 yeah.

25 MS. FREEMAN: Okay.

26 CHAIRMAN IAFELICE: Well, good. Thank you, members.  
27 That was real good discussion this evening. Thanks for the  
28 time and discussion and the dialogue.

29 MR. REPERT: So we will keep these.

30 CHAIRMAN IAFELICE: Under Old Business, we still

1 have tabled the PUD and RCD District, which that will remain  
2 tabled.

3 Our next meeting is January 3rd, 2023.

4 MR. LINGENFELTER: Oh, my God, January, holy smokes.

5 CHAIRMAN IAFELICE: And before we adjourn, I just  
6 wish everyone a merry Christmas and happy holiday season.

7 MR. REPPERT: Same to you.

8 CHAIRMAN IAFELICE: Be safe with your families and  
9 enjoy.

10 MR. SCHINDLER: Same to you.

11 CHAIRMAN IAFELICE: With that, if there is no  
12 further discussion, this meeting stands adjourned.

13 (Whereupon, the meeting was adjourned at  
14 8:40 p.m.)

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STATE OF OHIO )  
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COUNTY OF LAKE )

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 19th day of December 2022.

*Melinda A. Melton*  
-----  
Melinda A. Melton  
Registered Professional Reporter

Notary Public within and for the  
State of Ohio

My Commission Expires:  
February 4, 2023

