

CONCORD TOWNSHIP ZONING COMMISSION
LAKE COUNTY, OHIO
PUBLIC HEARING and REGULAR MEETING

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

April 4, 2023
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Zoning Commission members present:

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

Also Present:

Heather Freeman, Planning & Zoning Director/Zoning
Inspector

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

7:01 p.m.

CHAIRMAN IAFELICE: Good evening. I'm convening this Concord Township Zoning Commission meeting of Tuesday, April the 4th. Call to order, roll call of members, Heather, please.

MS. FREEMAN: 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: Mr. Iafelice?

CHAIRMAN IAFELICE: Here.

Thank you, Heather.

Thank you for stepping in tonight, Ron, appreciate that, for Rich here this evening.

The first order of business on our agenda is the public hearing for the following zoning text amendments. At this point in time, I will convene the public hearing. This is being convened for zoning text amendments to the Concord Township Zoning Resolution as initiated by motion of the Zoning Commission. I believe, at this point in time, I am to read all the amendments into, into the record for the public hearing.

MS. FREEMAN: Yes.

CHAIRMAN IAFELICE: Right. Amendment Number 1: Revise Section 5.02(A)(105) Indoor Commercial Recreation to allow a restaurant as an accessory use.

1 Amendment Number 2: Revise Section 22.03 Table of
2 Uses to amend the list of permitted uses, conditional uses and
3 accessory uses in the Commercial and Industrial Districts.

4 Amendment Number 3: Revise Section 22.07(E), Number
5 4, Charity Boxes to limit the number allowed and add location
6 requirement.

7 Amendment Number 4: Revise Section 13.08 Child or
8 Adult Day Care Center to eliminate reference to the M and RD-2
9 Districts and require compliance with the Ohio Fire Code.

10 Amendment Number 5: Revise Section 13.16 Adult
11 Group Home to require compliance with the Ohio Fire Code.

12 Amendment Number 6: Revise Section 13.19 Research
13 and Development Labs to allow said use in the Gateway Health
14 District.

15 Amendment Number 7: Revise Section 13.21 Garden or
16 Nursery, Nursery Retail Sales (non-wholesale) to allow said
17 use in the B-2 General Business District.

18 Amendment Number 8: Revise Section 13.25 Gas
19 Stations to eliminate Capital District and to require
20 compliance with the Ohio Fire Code.

21 Amendment Number 9: Revise Section 13.26 Car Wash
22 to delete Capital District and to add conditions for accessory
23 uses and vacuum areas.

24 Amendment Number 10: Revise Section 13.32 Outdoor
25 Storage and/or Display in Association with a Permitted or
26 Conditional Use to add location and screening requirements for
27 outdoor storage areas.

28 And, finally, Amendment Number 11: Revise
29 Section 13.36 Innovative Site/PD to require the plan to
30 indicate the precise use or land use proposed, and to add

1 permitted uses, and revise accessory uses allowed in the
2 district.

3 Having read the 11 amendments into the record, the
4 public hearing is open for any comment.

5 I presume, Heather, there is no one on the phone at
6 this point.

7 MS. FREEMAN: There is no one on the phone this
8 evening.

9 CHAIRMAN IAFELICE: At this point in time. And we
10 have no public participation here this evening, so I will
11 close the public portion of the, of the hearing.

12 At this point in time, we have, we have a letter
13 received, members, from the Lake County Planning Commission in
14 regards to the text, proposed text amendments. Procedurally,
15 again, I believe it's appropriate to read the letter into the
16 record.

17 So the letter is addressed to Heather from the Lake
18 County Planning and Community Development, dated March 30,
19 2023, regarding the text amendments to Sections 5.02,
20 Table 22.03, Sections 22.07, 13.08, 13.16, 13.19, 13.21,
21 13.25, 13.26, 13.32 and 13.36.

22 "Dear Ms. Freeman: The Lake County Planning
23 Commission took under consideration the above-mentioned zoning
24 district change at their regularly scheduled meeting on
25 Tuesday, March 28, 2023. The Lake County Planning Commission
26 recommended you make the text amendments with the following
27 suggestions:

28 First bullet: "Do not make the change to the
29 definition of Indoor Commercial Recreation. Add a definition
30 of Restaurant, Accessory. That could cover a bar, snack bar,

1 counter service restaurant or a table service restaurant. It
2 can be used for other uses besides Indoor Commercial
3 Recreation."

4 Bullet Number 2: "Make Child and Adult Daycare a
5 conditional accessory use in GH, Gateway Health."

6 Bullet Number 3: "Do not add outdoor display to
7 RD-2, Research and Development 2. There are no businesses in
8 the RD-2, Research and Development 2 that would need outdoor
9 display.

10 Bullet Number 4: "Change 13.32 B, Outdoor Display
11 into Section 13.33 and renumber current sections or add it as
12 13.37. Outdoor Storage and Outdoor Display are separated on
13 table 22.03 but they are together in one section in the
14 Conditional Use Chapter, Section 13.32. It should be separate
15 sections in Condition Use Chapters."

16 And, finally, Bullet Number 5: "Make sure all of
17 the references to Capitol District are the same. Section
18 22.01 is a reference to Capitol (C) District, Section 13.36
19 has C, Capitol District and the changes to 13.36 A, B and C
20 have it as Capitol."

21 "We are available to help with any aspect of this
22 recommendation. If you have any questions, please feel free
23 to call David Radachy, Director."

24 "Yours Truly, Rhea Benton, Secretary."

25 Thanks to the Planning Commission for their review
26 and comments.

27 At this point in time, first of all, to recognize
28 the work this group, this body has and Heather in getting us
29 to this point. It was a lot of, a lot of time and really good
30 discussion in arriving at these revisions on these amendments.

1 So thanks for the hard work and getting us to this point.

2 We went through these amendments in fairly good
3 detail in the last, our last few meetings over time. So at
4 this point, with the recommendations from the Planning
5 Commission, I would defer to Heather to comment on each of
6 these recommendations from the Planning Commission, please.

7 MS. FREEMAN: Okay. Yes, I would be happy to. So I
8 did review their recommendations and I guess we will just go
9 through them individually.

10 The first bullet point recommendation really has to
11 do with Amendment Number 1, and this is the Indoor Commercial
12 Recreation. We were initially proposing to add a line that
13 indicated that they may be included, that indoor commercial
14 recreation facilities may include a restaurant as an accessory
15 use. I, after further looking at the Planning Commission's
16 recommendation and taking a closer look at our existing Table
17 of Uses, 22.03 under the Accessory Use section, we do list
18 that restaurants/cafeterias or pharmacies could be a permitted
19 accessory use when in association with a permitted or
20 conditional use as long as it's conducted and entered only
21 from within the principal building.

22 So our thoughts initially on adding this were
23 looking at an establishment that might have a restaurant
24 component along with the indoor commercial recreation but we
25 may already have this covered, I guess, under our table. So,
26 you know, maybe we don't need to amend the definition and we
27 can defer to the table or come up with a more specific
28 definition for, if we feel like we need a definition, for
29 accessory use as a restaurant, but we do already have that
30 listed as a separate permitted accessory use like the county

1 was suggesting that we do. We just don't have a definition
2 for it per se.

3 So I would be, I would support their comments on
4 maybe not changing our definition. I think we might already
5 actually have it covered under that table.

6 CHAIRMAN IAFELICE: Let's comment on -- Thank you,
7 thank you, Heather.

8 Is it clear to the board what --

9 MR. SCHINDLER: So you have an issue maybe the way
10 the verbiage is that they use? It doesn't meet what we have,
11 is that, if I understand you correctly?

12 MS. FREEMAN: I am sorry. I didn't --

13 MR. SCHINDLER: The verbiage that they used when
14 they made their comments, that everything is still there, it's
15 just that the way it's presented compared to ours?

16 MS. FREEMAN: Oh, right, they, what the county was
17 suggesting was that we --

18 MR. TERRIACO: Add a definition.

19 MS. FREEMAN: -- add a separate definition for it.

20 MR. TERRIACO: Definition.

21 MR. SCHINDLER: Okay.

22 MS. FREEMAN: That way, if there were other uses
23 that we wanted to allow a restaurant as an accessory use to
24 that we could allow that, but this table already does allow
25 that. If you look at Table 22.03, actually on page 22.07
26 under Accessory Uses, it's like the third one from the bottom
27 of the page, so in the RD-2, GB, GH, B-1. And, again, I think
28 this does, in fact, do what the Planning Commission is
29 suggesting that we do other than providing for a separate
30 definition.

1 MR. SCHINDLER: Okay.

2 MS. FREEMAN: So, and I think we could. I don't
3 really see any harm actually either in just adding it to our
4 definition because it's actually then doing both. Like, so
5 maybe we still add it to the definition and then the table
6 covers us under the other uses that would likely want to have
7 this as an accessory use. I thought by adding it to the
8 definition that it would make it more clear --

9 CHAIRMAN IAFELICE: It does.

10 MS. FREEMAN: -- for some uses that have come up
11 recently that is kind of a mix between them both that might,
12 might be questionable. But I think it would give a clear
13 direction to potential users that might want to do something
14 with this concept.

15 MR. SCHINDLER: Okay, thank you.

16 MR. REPERT: So would we add a definition the next
17 time around?

18 MS. FREEMAN: We could if we felt like we needed to.

19 MR. REPERT: But we don't --

20 MS. FREEMAN: But I think, yeah, right now, we don't
21 have a --

22 MR. REPERT: But what we're saying now, we don't
23 need to?

24 MS. FREEMAN: Right. I think, I think what we have
25 is okay, adding it to the indoor commercial as we have it and
26 it's almost cross-referenced in the table here for other uses
27 that might want it as well.

28 MR. REPERT: Put a yellow sticky next time?

29 MS. FREEMAN: Yeah, yeah, yeah, I mean, yeah.

30 MR. REPERT: Okay.

1 CHAIRMAN IAFELICE: So in other words, speaking to
2 Amendment Number 1 then, we have, we have it to that addition
3 on 105, indoor commercial recreation facilities may include a
4 restaurant as an accessory use.

5 MS. FREEMAN: Yeah.

6 CHAIRMAN IAFELICE: So by not having a definition of
7 what a restaurant, is that an issue?

8 MS. FREEMAN: Well, we do define "restaurant" in
9 table service and counter service.

10 CHAIRMAN IAFELICE: We do.

11 MS. FREEMAN: We do have definitions for those, yes.

12 CHAIRMAN IAFELICE: Okay, okay. And it listed, like
13 you said, it's listed as an accessory use.

14 MS. FREEMAN: Yes.

15 CHAIRMAN IAFELICE: So I guess my understanding is
16 you agree in part. We don't need to make the change to the
17 definition of "indoor commercial recreation." We can keep
18 that.

19 MS. FREEMAN: We can keep it as it is or --

20 CHAIRMAN IAFELICE: No, as proposed.

21 MS. FREEMAN: Oh, yes, I think we can keep it as
22 proposed.

23 CHAIRMAN IAFELICE: Keep it as proposed, but the
24 second part is add the definition down the road.

25 MS. FREEMAN: Right, right.

26 CHAIRMAN IAFELICE: Okay. That's what --

27 MS. FREEMAN: So what I would suggest is not, maybe,
28 not accepting their recommendation.

29 CHAIRMAN IAFELICE: Not accepting, right, right. In
30 other words, our amendment, our amendment would stand.

1 MS. FREEMAN: Yes.

2 CHAIRMAN IAFELICE: And then we would consider
3 definition of "recreation."

4 Any other comments, members?

5 MR. REPPERT: No. I agree.

6 MR. LINGENFELTER: No. That was, my question was
7 going to be, so then if we decide to take their
8 recommendation, do we, so then from a procedural standpoint,
9 would we, in the affirmative, vote for the Amendment Number 1
10 and then all vote no? Follow me?

11 CHAIRMAN IAFELICE: Yes, if we agree.

12 MR. LINGENFELTER: Right. I am just saying.

13 CHAIRMAN IAFELICE: Right.

14 MR. LINGENFELTER: So would we just scratch
15 Amendment Number 1 or would we accept Amendment Number 1 and
16 then all vote no, not to accept it, from a procedural
17 standpoint? Do you see what I am saying?

18 CHAIRMAN IAFELICE: I believe what we just said is
19 we don't agree with the change.

20 MR. LINGENFELTER: No, I understand that. I got
21 that.

22 CHAIRMAN IAFELICE: So we would approve Amendment
23 Number 1.

24 MR. LINGENFELTER: Right, I understand that. But
25 I'm saying if we were to go with their recommendation.

26 CHAIRMAN IAFELICE: Yeah, yes.

27 MR. LINGENFELTER: Which would have been counter --

28 CHAIRMAN IAFELICE: Correct.

29 MR. LINGENFELTER: -- to what we --

30 CHAIRMAN IAFELICE: We would vote no.

1 MR. LINGENFELTER: -- amendment. So would we just
2 scrap voting on Amendment Number 1, just take it off the list,
3 or would we vote to accept Amendment Number 1 and then all
4 vote no?

5 CHAIRMAN IAFELICE: Vote no, yeah.

6 MS. FREEMAN: Correct. To answer to your question,
7 Andy, yes.

8 MR. LINGENFELTER: Procedurally.

9 CHAIRMAN IAFELICE: Procedurally.

10 MS. FREEMAN: Your motion always has to be in the
11 affirmative.

12 CHAIRMAN IAFELICE: In the affirmative.

13 MR. LINGENFELTER: Right, right, exactly.

14 MS. FREEMAN: And then if you vote no --

15 MR. LINGENFELTER: That's why I was curious because
16 it's on here. It's in the public hearing.

17 CHAIRMAN IAFELICE: Agreed.

18 MR. LINGENFELTER: So just like there is a couple
19 others we are going to tackle here as we go down the list.

20 CHAIRMAN IAFELICE: Yeah, yeah.

21 MS. FREEMAN: Yeah.

22 MR. LINGENFELTER: If we decide to accept that, then
23 from a procedural standpoint, do we then just basically go to
24 Amendment Number 4 or Number 10 and say, you know, we're going
25 to change it to what their recommendation is from the Lake
26 County Planning Commission and then vote --

27 CHAIRMAN IAFELICE: Do we have to say --

28 MR. LINGENFELTER: And then vote no on that.

29 MS. FREEMAN: No. I think, for clarification, you
30 would want to make the motion to approve the modification.

1 CHAIRMAN IAFELICE: Approve.

2 MR. LINGENFELTER: Right, approve the modification.

3 MS. FREEMAN: And then state specifically what you
4 want the modification to be. You don't need to reference back
5 to the Planning Commission's recommendation.

6 MR. LINGENFELTER: Gotcha, okay. I just --

7 MS. FREEMAN: If there are modifications based on
8 what they had said.

9 MR. LINGENFELTER: Just a procedural issue.

10 MS. FREEMAN: Yeah.

11 MR. LINGENFELTER: Just wanted to make sure, you
12 know.

13 MS. FREEMAN: Oh, yeah, no, no, it's good. It's
14 good to hash it out.

15 CHAIRMAN IAFELICE: Okay.

16 MR. LINGENFELTER: Okay, good.

17 MS. FREEMAN: Okay. So --

18 CHAIRMAN IAFELICE: Okay, thank you.

19 MS. FREEMAN: The second one.

20 CHAIRMAN IAFELICE: The second one.

21 MS. FREEMAN: I don't necessarily agree. I don't
22 think we need to add the child and adult day care as an
23 conditional accessory use to the Gateway Health. I don't know
24 if there is any discussion on that. I just, I didn't think
25 that that fit very well with some of the other permitted
26 principal and conditional uses, that it wouldn't be likely
27 that we would need that.

28 Number, the third bullet point on their
29 recommendation really affects our Amendment Number 2. So did
30 the other one. I am sorry. And this, this one I do agree

1 with. We were separating out the outdoor display and the
2 outdoor storage area in this table, and the RD-2 already had
3 listed outdoor display as a conditional accessory use in that
4 district and the county was recommending that we take that out
5 because they didn't feel like there were any uses in the RD-2
6 that would really need outdoor display, and I do agree with
7 that. So I think that I would recommend that, when we get to
8 the vote on Amendment Number 2, that you would approve it with
9 that modification to delete the outdoor display as a
10 conditional use, accessory use in the RD-2.

11 CHAIRMAN IAFELICE: But that doesn't apply to
12 Amendment Number 10, this is just 2?

13 MS. FREEMAN: Right, that would affect Amendment
14 Number 2.

15 CHAIRMAN IAFELICE: Yeah, 2 is outdoor storage but
16 on a different --

17 MS. FREEMAN: Right, yes.

18 CHAIRMAN IAFELICE: Correct, okay. Thank you.

19 MS. FREEMAN: Well, actually, there is a reference.

20 CHAIRMAN IAFELICE: There is a reference.

21 MS. FREEMAN: Yeah, there is a reference to it in
22 Section 10, so we would have to make sure that the, that -- or
23 Section 13?

24 CHAIRMAN IAFELICE: Thirteen.

25 MS. FREEMAN: That we would also delete that from
26 Section 13.3, is it?

27 CHAIRMAN IAFELICE: Three two.

28 MS. FREEMAN: Three two, yes, because, right, it
29 does reference all the districts that those uses are permitted
30 in.

1 CHAIRMAN IAFELICE: Okay.

2 MS. FREEMAN: And then the fourth bullet point from
3 the Planning Commission or, yeah, the fourth bullet point,
4 this affects Amendment Number 10.

5 CHAIRMAN IAFELICE: As well.

6 MS. FREEMAN: This has to do with 13.32 under the
7 Conditional Uses. Since we're separating outdoor storage and
8 outdoor display into two different accessory type uses, we
9 probably should separate them and have their own section
10 numbers under the Conditional Use Permit chapter of the
11 Resolution. So we can do it either way, however you guys
12 would like. I can peel out outdoor display and make that
13 13.33 and then renumber everything after that or we could
14 stick it at the end and make it a new Section 13.36. It might
15 make sense to put it right after the outdoor storage instead
16 of putting it on the end and then just renumber everything.

17 CHAIRMAN IAFELICE: Do we, is that material to
18 approving Amendment Number 10? I mean, it's a --

19 MS. FREEMAN: I think what we would do is we would
20 want to --

21 CHAIRMAN IAFELICE: The devil's in the details.

22 MS. FREEMAN: -- approve it with the modification to
23 make outdoor display its own Section Number 13.33 and then
24 renumber the subsequent uses.

25 CHAIRMAN IAFELICE: Okay. So the motion would be --

26 MS. FREEMAN: Yeah, we would need to reflect that as
27 a modification.

28 CHAIRMAN IAFELICE: -- in approving Number 10 or
29 Amendment 10.

30 MS. FREEMAN: We would want to make sure that that

1 was a modification.

2 CHAIRMAN IAFELICE: Okay.

3 MS. FREEMAN: And then for the last one from the
4 Planning Commission, make sure all your references to the
5 Capital District are consistent throughout the document. I do
6 agree with that. This affects Amendment Number 11 but really
7 it's throughout the whole entire Zoning Resolution. I did try
8 to see if there was some consistency between all the other
9 references to the districts throughout the Resolution.

10 There's a couple different ways we could go about
11 this. As they stated, there is three different, at least
12 three different versions in the Resolution. I think it
13 probably should be either the Capital, "C, Capital" or we do
14 the "Capital" and then the C, in parenthesis, district. I
15 think those two are the, how it's referred to most in the
16 Resolution. So if that's important to be consistent
17 throughout, we could amend Amendment Number 11 to update the
18 reference to the Capital District to be consistent throughout
19 the Resolution.

20 CHAIRMAN IAFELICE: Okay, okay.

21 MR. REPERT: But they're all saying the same thing.

22 CHAIRMAN IAFELICE: Yeah.

23 MS. FREEMAN: They are, yeah.

24 MR. REPERT: So why bother? I understand
25 consistency and I am all for it but, for something that's
26 already on the books, why bother?

27 CHAIRMAN IAFELICE: I am not disagreeing. I am
28 putting a question mark on that myself.

29 MR. REPERT: I will put a yellow sticky on that as
30 well.

1 MS. FREEMAN: For later, yeah. And we could, we
2 could very well do another house cleaning amendment and make
3 all the districts are being referred to consistently.

4 MR. REPERT: Well, and not only Capital, you're
5 right.

6 CHAIRMAN IAFELICE: Yeah, good point.

7 MS. FREEMAN: Yeah, all right.

8 MR. REPERT: We could make a research project out
9 of it.

10 MS. FREEMAN: Yeah. That's all I have.

11 CHAIRMAN IAFELICE: Okay, thank you. Thank you,
12 Heather.

13 So I am going to take, since this is active in our
14 mind, out of order on the agenda. And I had already closed
15 the public portion of the public hearing. We're still in
16 public hearing. May I move to New Business to vote to
17 recommend approval?

18 MS. FREEMAN: Yes. First, I would officially close
19 the public hearing.

20 CHAIRMAN IAFELICE: Before, yeah, yeah.

21 MS. FREEMAN: And then, yeah, if you would like to
22 switch the order of the agenda, that's totally fine.

23 CHAIRMAN IAFELICE: Just looking, if it's okay with
24 the members, move, revise the agenda in terms of the order. I
25 am going to move to the New Business.

26 MR. SCHINDLER: Well, if this is something we were
27 considering doing down the road again, going through and
28 making modifications, we could recess this and make the
29 changes and then continue on with the changes and then adopt
30 what we wanted to do when it's all finished to everyone's

1 satisfaction.

2 CHAIRMAN IAFELICE: Whatever members feel. I feel,
3 without any participation from the public on the public
4 hearing, which we're still in, these are rather modifications
5 to what we've already gotten to a point of approving the
6 amendments. I don't see any real significance in just
7 approving them with modifications for those, if we elect to,
8 for those as recommended by Heather, which are just a couple
9 of them.

10 MR. SCHINDLER: Okay. I was just --

11 CHAIRMAN IAFELICE: Yeah, if that's --

12 MR. SCHINDLER: Just a point.

13 CHAIRMAN IAFELICE: If that's what the wishes of the
14 board would be.

15 Let me first move to closing, officially closing the
16 public hearing for the zoning text amendments that are under
17 consideration this evening and revising our agenda this
18 evening and moving to New Business to vote to recommend
19 approval of the zoning text amendments and to take them
20 individually.

21 First of all, Amendment Number 1, as it reads,
22 revise Section 5.02(A)(105) Indoor Commercial Recreation to
23 allow a restaurant as an accessory use. What are the wishes
24 of the board?

25 MS. FREEMAN: You need a motion.

26 CHAIRMAN IAFELICE: Yes.

27 MR. REPPERT: Mr. Chairman, I would like to make a
28 motion to approve Amendment Number 1, which is revise Section
29 5.02(A)(105) Indoor Commercial Recreation to allow a
30 restaurant as an accessory use.

1 CHAIRMAN IAFELICE: I have a motion to approve. Do
2 I have a second?

3 MR. LINGENFELTER: I'll second.

4 CHAIRMAN IAFELICE: We have a motion and a second to
5 approve Amendment Number 1, revise Section 5.02(A)(105) Indoor
6 Commercial Recreation to allow a restaurant as an accessory
7 use. Any further discussion? If not, roll call, Heather,
8 please.

9 MS. FREEMAN: Mr. Reppert?

10 MR. REPPERT: Yes.

11 MS. FREEMAN: Mr. Schindler?

12 MR. SCHINDLER: Yes.

13 MS. FREEMAN: Mr. Terriaco?

14 MR. TERRIACO: Yes.

15 MS. FREEMAN: Mr. Lingenfelter?

16 MR. LINGENFELTER: Aye.

17 MS. FREEMAN: Mr. Iafelice?

18 CHAIRMAN IAFELICE: Yes.

19 Thank you. Moving on to Amendment Number 2, revise
20 Section 22.03 Table of Uses to amend the list of permitted
21 uses, conditional uses and accessory uses in the Commercial
22 and Industrial Districts. What are the wishes --

23 MR. LINGENFELTER: So moved.

24 CHAIRMAN IAFELICE: We have a motion to approve
25 Amendment Number 2.

26 MR. REPPERT: I'll second.

27 CHAIRMAN IAFELICE: And we have a second. Any
28 further discussion?

29 MR. TERRIACO: No.

30 CHAIRMAN IAFELICE: If not, roll call, Heather, on

1 Amendment Number 2.

2 MS. FREEMAN: Mr. Schindler?

3 MR. SCHINDLER: Yes.

4 MS. FREEMAN: Mr. Reppert?

5 MR. REPPERT: Yes.

6 MS. FREEMAN: Mr. Lingenfelter?

7 MR. LINGENFELTER: Aye.

8 MS. FREEMAN: Mr. Terriaco?

9 MR. TERRIACO: Yes.

10 MS. FREEMAN: Mr. Iafelice?

11 CHAIRMAN IAFELICE: Yes.

12 Amendment Number 2 stands approved. Thank you.

13 Amendment Number 3, revise Section 22.07(E)(4)

14 Charity Boxes to limit the number allowed and to add location
15 requirement. What are the wishes of the board?

16 MR. TERRIACO: I make a motion.

17 CHAIRMAN IAFELICE: We have a motion --

18 MR. TERRIACO: To approve.

19 CHAIRMAN IAFELICE: -- to approve Amendment

20 Number 3.

21 MR. SCHINDLER: I second.

22 CHAIRMAN IAFELICE: And a second. Any further
23 discussion? If not, roll call, Heather.

24 MS. FREEMAN: Mr. Schindler?

25 MR. SCHINDLER: Yes.

26 MS. FREEMAN: Mr. Reppert?

27 MR. REPPERT: Yes.

28 MS. FREEMAN: Mr. Terriaco?

29 MR. TERRIACO: Yes.

30 MS. FREEMAN: Mr. Lingenfelter?

1 MR. LINGENFELTER: Aye.

2 MS. FREEMAN: Mr. Iafelice?

3 CHAIRMAN IAFELICE: Yes.

4 Thank you.

5 Amendment Number 4, revise Section 13.08 Child or

6 Adult Day Care Center to eliminate the reference to the M and

7 RD-2 Districts and require compliance with the Ohio Fire Code.

8 MR. TERRIACO: I make a motion to approve.

9 CHAIRMAN IAFELICE: We have a motion to approve.

10 MR. REPERT: I will second.

11 CHAIRMAN IAFELICE: And a second. Thank you. Any

12 further discussion? If not, roll call.

13 MS. FREEMAN: Mr. Lingenfelter?

14 MR. LINGENFELTER: Aye.

15 MS. FREEMAN: Mr. Schindler?

16 MR. SCHINDLER: Yes.

17 MS. FREEMAN: Mr. Reppert?

18 MR. REPERT: Yes.

19 MS. FREEMAN: Mr. Terriaco?

20 MR. TERRIACO: Yes.

21 MS. FREEMAN: Mr. Iafelice?

22 CHAIRMAN IAFELICE: Yes.

23 Thank you. Amendment Number 5, revise Section 13.16

24 Adult Group Home to require compliance with the Ohio Fire

25 Code.

26 MR. REPERT: So moved.

27 CHAIRMAN IAFELICE: We have a motion to approve.

28 MR. TERRIACO: Second.

29 CHAIRMAN IAFELICE: And a second. Any further

30 discussion? If not, roll call on Amendment Number 5.

1 MS. FREEMAN: Mr. Terriaco?
2 MR. TERRIACO: Yes.
3 MS. FREEMAN: Mr. Reppert?
4 MR. REPPERT: Yes.
5 MS. FREEMAN: Mr. Schindler?
6 MR. SCHINDLER: Yes.
7 MS. FREEMAN: Mr. Lingenfelter?
8 MR. LINGENFELTER: Aye.
9 MS. FREEMAN: Mr. Iafelice?
10 CHAIRMAN IAFELICE: Yes.
11 Thank you. Amendment Number 6. Amendment Number 6,
12 revise Section 13.19 Research and Development Labs to allow
13 said use in the Gateway Health District.
14 MR. SCHINDLER: I so move.
15 CHAIRMAN IAFELICE: We have a motion to approve
16 Amendment Number 6.
17 MR. TERRIACO: Second.
18 CHAIRMAN IAFELICE: And a second. Any further
19 discussion? If not, roll call, Heather.
20 MS. FREEMAN: Mr. Iafelice?
21 CHAIRMAN IAFELICE: Yes.
22 MS. FREEMAN: Mr. Lingenfelter?
23 MR. LINGENFELTER: Aye.
24 MS. FREEMAN: Mr. Schindler?
25 MR. SCHINDLER: Yes.
26 MS. FREEMAN: Mr. Reppert?
27 MR. REPPERT: Yes.
28 MS. FREEMAN: Mr. Terriaco?
29 MR. TERRIACO: Yes.
30 CHAIRMAN IAFELICE: Thank you.

1 Moving on, Amendment Number 7, revise Section 13.21
2 Garden or Nursery Retail Sales (non-wholesale) to allow said
3 use in the B-2 General Business District.

4 MR. LINGENFELTER: I will make a motion to approve.

5 CHAIRMAN IAFELICE: We have a motion to approve.

6 MR. TERRIACO: I second.

7 CHAIRMAN IAFELICE: And a second. Any further
8 discussion? If not, roll call, Heather, please.

9 MS. FREEMAN: Mr. Schindler?

10 MR. SCHINDLER: Yes.

11 MS. FREEMAN: Mr. Reppert?

12 MR. REPPERT: Yes.

13 MS. FREEMAN: Mr. Terriaco?

14 MR. TERRIACO: Yes.

15 MS. FREEMAN: Mr. Iafelice?

16 CHAIRMAN IAFELICE: Yes.

17 MS. FREEMAN: Mr. Lingenfelter?

18 MR. LINGENFELTER: Aye.

19 CHAIRMAN IAFELICE: Thank you.

20 Amendment Number 8, revise Section 13.25 Gas
21 Stations to delete Capital District and to require compliance
22 with the Ohio Fire Code.

23 MR. TERRIACO: I make a motion to approve.

24 CHAIRMAN IAFELICE: We have a motion to approve.

25 MR. REPPERT: I'll second.

26 CHAIRMAN IAFELICE: And a second. Any further
27 discussion on Amendment Number 8? If not, roll call, please.

28 MS. FREEMAN: Mr. Schindler?

29 MR. SCHINDLER: Yes.

30 MS. FREEMAN: Mr. Lingenfelter?

1 MR. LINGENFELTER: Aye.

2 MS. FREEMAN: Mr. Reppert?

3 MR. REPPERT: Yes.

4 MS. FREEMAN: Mr. Terriaco?

5 MR. TERRIACO: Yes.

6 MS. FREEMAN: Mr. Iafelice?

7 CHAIRMAN IAFELICE: Yes.

8 Thank you. Amendment Number 9, revise Section 13.26
9 Car Wash to delete Capital District and to add conditions for
10 accessory uses and vacuum areas.

11 MR. LINGENFELTER: I will make a motion to approve.

12 CHAIRMAN IAFELICE: We have a motion to approve.

13 MR. SCHINDLER: I second.

14 CHAIRMAN IAFELICE: And a second. I'm very pleased
15 with this one. Any further discussion? If not, roll call,
16 please.

17 MS. FREEMAN: Mr. Terriaco?

18 MR. TERRIACO: Yes.

19 MS. FREEMAN: Mr. Reppert?

20 MR. REPPERT: Yes.

21 MS. FREEMAN: Mr. Schindler?

22 MR. SCHINDLER: Yes.

23 MS. FREEMAN: Mr. Lingenfelter?

24 MR. LINGENFELTER: Aye.

25 MS. FREEMAN: Mr. Iafelice?

26 CHAIRMAN IAFELICE: Yes.

27 Thank you. Amendment Number 10, revise Section
28 13.32, Outdoor Storage and/or Display in Association with a
29 Permitted or Conditional Use to add location and screening
30 requirements for outdoor storage areas.

1 MR. REPPERT: I will make a motion to approve.

2 MR. TERRIACO: I will second.

3 CHAIRMAN IAFELICE: Thank you. I will put this into
4 discussion. This is the item where Heather had recommended
5 that we agree with the modification to not add the outdoor
6 display or -- Am I on the right? The fourth bullet point,
7 Heather? I am sorry.

8 MS. FREEMAN: That one actually was overlooked. You
9 guys didn't accept the modification.

10 CHAIRMAN IAFELICE: Yes, yes, yes, I just noticed
11 that myself.

12 MS. FREEMAN: Yeah, yeah, that's okay. The Trustees
13 will have an opportunity to take a stab at that, too.

14 CHAIRMAN IAFELICE: Yes, yes.

15 MS. FREEMAN: This was the one under the fourth
16 bullet point, was to separate out the outdoor display from the
17 outdoor storage in Section 13 was the Planning Commission's
18 recommendation.

19 CHAIRMAN IAFELICE: Yes.

20 MS. FREEMAN: So if you agreed with that, we would
21 really, we would need a motion to approve with that
22 modification.

23 MR. LINGENFELTER: Do you want to redo your motion
24 there, Hiram?

25 MS. FREEMAN: But, yeah, and then let me know if you
26 want to -- or please state with the motion how you would want
27 that to work. If Outdoor Display --

28 MR. LINGENFELTER: That's why I specifically did not
29 attempt this one.

30 MS. FREEMAN: -- would become 13.33 and then

1 everything would be renumbered after?

2 MR. REPPERT: Can we just vote no?

3 MS. FREEMAN: No.

4 MR. LINGENFELTER: No.

5 MS. FREEMAN: No. All your motions have to be in
6 the affirmative.

7 MR. REPPERT: Well, and I just made a motion.

8 MR. LINGENFELTER: He did make a motion in the
9 affirmative.

10 MR. REPPERT: I just made a motion. It was
11 seconded.

12 MR. LINGENFELTER: But he did not include, his
13 motion did not include the modification.

14 CHAIRMAN IAFELICE: Right.

15 MS. FREEMAN: Right.

16 MR. LINGENFELTER: So I asked him if he wanted to
17 redo his motion, which he has the ability to do.

18 MS. FREEMAN: Correct. But he asked if he could
19 vote.

20 MR. LINGENFELTER: Right.

21 MR. REPPERT: So do we just say "and include the
22 fourth bullet coming from the Planning Commission"?

23 MS. FREEMAN: No.

24 CHAIRMAN IAFELICE: No, no.

25 MS. FREEMAN: You need --

26 MR. LINGENFELTER: It's a little more involved than
27 that.

28 CHAIRMAN IAFELICE: Yeah.

29 MS. FREEMAN: You need to state specifically what
30 you want the modification to be.

1 MR. REPERT: To split the two?

2 MS. FREEMAN: To change, you could actually just
3 read this first portion.

4 MR. REPERT: Change 13.32(B)?

5 MS. FREEMAN: Yeah, change 13.32(B) Outdoor Display
6 into Section 13.33 and renumber current sections.

7 CHAIRMAN IAFELICE: And drop the rest.

8 MR. LINGENFELTER: Yeah. Come on, Hiram, you can do
9 it.

10 MR. REPERT: No, wait, no, wait.

11 MR. LINGENFELTER: You can do it.

12 MR. REPERT: What happens to the, what we have? Do
13 we still say, in addition to, we want to split them?

14 MS. FREEMAN: No, we're approving it. We're
15 approving the proposed amendment.

16 CHAIRMAN IAFELICE: Approving the proposed
17 amendment.

18 MS. FREEMAN: For Number 10 with one modification.

19 CHAIRMAN IAFELICE: With the modification.

20 MR. LINGENFELTER: With the modification.

21 MR. REPERT: With the modification.

22 MS. FREEMAN: With the one modification.

23 CHAIRMAN IAFELICE: With the modification.

24 MR. LINGENFELTER: And that's basically the first
25 sentence.

26 MR. REPERT: And it stops?

27 MS. FREEMAN: Yeah.

28 MR. LINGENFELTER: Yeah, it's the first sentence.

29 MR. REPERT: It stops right here.

30 CHAIRMAN IAFELICE: No, begins here.

1 MR. REPERT: Yeah, and stops here.

2 CHAIRMAN IAFELICE: Ends here.

3 MR. LINGENFELTER: Right.

4 CHAIRMAN IAFELICE: You don't need to add --

5 MR. LINGENFELTER: Right, right.

6 MR. REPERT: Now, wait, are you sure?

7 MR. LINGENFELTER: Yes.

8 CHAIRMAN IAFELICE: Yes. It says "or."

9 MR. LINGENFELTER: Not quite, it ends at -- You
10 would, your modification would end at "sections." You
11 wouldn't say "or add it." you would just say "renumber the
12 current sections," period.

13 MR. REPERT: Stop.

14 MR. LINGENFELTER: Stop, right.

15 MR. REPERT: Okay. If I may, I will change my
16 motion.

17 MR. LINGENFELTER: There we go.

18 CHAIRMAN IAFELICE: For the record, Hiram, restate
19 the motion for Amendment Number 10.

20 MR. REPERT: Okay. Revise Section 13.32 Outdoor
21 Storage and/or Display in Association with Permitted or
22 Conditional Use to add location and screening requirements for
23 outdoor storage areas; in addition, change 13.32(B) Outdoor
24 Display into 13.33 and renumber current sections.

25 CHAIRMAN IAFELICE: Very good. We have a motion
26 to --

27 MR. REPERT: End of motion.

28 CHAIRMAN IAFELICE: We have a motion to approve with
29 modification.

30 MR. LINGENFELTER: I will second.

1 CHAIRMAN IAFELICE: And we have a second to that.
2 Any further discussion? If not, roll call, Amendment
3 Number 10.
4 MS. FREEMAN: Mr. Terriaco?
5 MR. TERRIACO: Yes.
6 MS. FREEMAN: Mr. Reppert?
7 MR. REPPERT: Yes.
8 MS. FREEMAN: Mr. Schindler?
9 MR. SCHINDLER: Yes.
10 MS. FREEMAN: Mr. Lingenfelter?
11 MR. LINGENFELTER: Aye.
12 MS. FREEMAN: Mr. Iafelice?
13 CHAIRMAN IAFELICE: Yes.
14 MR. LINGENFELTER: Nice work, Hiram.
15 MR. REPPERT: Finally.
16 CHAIRMAN IAFELICE: Amendment Number 10 is approved
17 as modified.
18 MR. LINGENFELTER: Correct.
19 CHAIRMAN IAFELICE: Amendment Number 11, revise
20 Section 13.36 Innovative Site/PD to require the plan to
21 indicate the precise use or land use proposed and to add
22 permitted uses and revise accessory uses allowed in the
23 district.
24 MR. LINGENFELTER: I will make a motion to approve.
25 CHAIRMAN IAFELICE: We have a motion to approve.
26 MR. SCHINDLER: I second.
27 CHAIRMAN IAFELICE: And a second. Any further
28 discussion? Roll call, please.
29 MS. FREEMAN: Mr. Schindler?
30 MR. SCHINDLER: Yes.

1 MS. FREEMAN: Mr. Reppert?

2 MR. REPERT: Yes.

3 MS. FREEMAN: Mr. Terriaco?

4 MR. TERRIACO: Yes.

5 MS. FREEMAN: Mr. Lingenfelter?

6 MR. LINGENFELTER: Aye.

7 MS. FREEMAN: Mr. Iafelice?

8 CHAIRMAN IAFELICE: Yes.

9 Thank you. To the discretion of the board, would it
10 be appropriate to go back to Amendment Number 2, having
11 overlooked the recommendation, if we so choose, recommend the
12 recommendation as recommended by the Lake County Planning
13 Commission but also suggested by Heather to not add the
14 outdoor display to RD-2 as indicated in the Table of Uses in
15 Amendment Number 2?

16 MS. FREEMAN: I am not sure if we can go back and
17 redo that vote at this point.

18 CHAIRMAN IAFELICE: We can't?

19 MR. LINGENFELTER: No.

20 MS. FREEMAN: Yeah. And, unfortunately, Mike isn't
21 here.

22 CHAIRMAN IAFELICE: Oh, okay.

23 MR. LINGENFELTER: It has already been approved.

24 CHAIRMAN IAFELICE: I thought it was up to us.

25 MR. LINGENFELTER: Well, technically, we can do
26 whatever the hell we want.

27 CHAIRMAN IAFELICE: That's what I am --

28 MS. FREEMAN: Okay, yeah.

29 CHAIRMAN IAFELICE: If there was some -- I will take
30 responsibility but I don't see this as a -- I just see a

1 procedural. If the board agrees with going back to an item on
2 the agenda that we've previously voted on to reconsider, but I
3 think I would ask for a motion to reconsider our approval of
4 Amendment Number 2 first.

5 MS. FREEMAN: Oh, okay.

6 MR. LINGENFELTER: Would it make sense to just push
7 it up to the Trustees and let them --

8 CHAIRMAN IAFELICE: That's what I was trying to
9 avoid.

10 MS. FREEMAN: Okay.

11 MR. LINGENFELTER: Let them do some work. What the
12 heck?

13 CHAIRMAN IAFELICE: It seemed a little, it seemed
14 very -- They have bigger things on their plate, I think.

15 MR. LINGENFELTER: No, they don't.

16 CHAIRMAN IAFELICE: Okay. Well, can I ask the board
17 if some -- if there would be a motion to reconsider the vote
18 on Amendment Number 2?

19 MR. SCHINDLER: I think that would have been an
20 issue if we didn't -- if everything had been closed, you know,
21 and now we're voting on it, which is a separate issue, I
22 think, in itself. And like Andy says, as board members, we
23 could, I am sure, change our minds as long as it's agreed upon
24 by the majority of the board.

25 CHAIRMAN IAFELICE: Again, so that's why I am
26 asking. Would a board member make a motion to reconsider the
27 vote on Amendment Number 2?

28 MR. REPERT: Sure. So moved.

29 CHAIRMAN IAFELICE: We have a motion to reconsider.
30 Do I have a second?

1 MR. LINGENFELTER: I'll second.

2 CHAIRMAN IAFELICE: We have a second to reconsider
3 Amendment Number 2. Roll call.

4 MS. FREEMAN: Mr. Terriaco?

5 MR. TERRIACO: Yes.

6 MS. FREEMAN: Mr. Reppert?

7 MR. REPPERT: Yes.

8 MS. FREEMAN: Mr. Schindler?

9 MR. SCHINDLER: Yes.

10 MS. FREEMAN: Mr. Lingenfelter?

11 MR. LINGENFELTER: Aye.

12 MS. FREEMAN: Mr. Iafelice?

13 CHAIRMAN IAFELICE: Yes.

14 Thank you, board members. Let's revisit Amendment
15 Number 2. I would ask the board to consider a motion,
16 modifications to the approval of the Amendment Number 2 as
17 discussed.

18 MR. LINGENFELTER: And which recommendation was that
19 from the --

20 CHAIRMAN IAFELICE: Third bullet, do not add outdoor
21 display.

22 MR. LINGENFELTER: LCPC, which bullet, Number --

23 CHAIRMAN IAFELICE: Three.

24 MR. TERRIACO: Number 3 bullet.

25 MR. LINGENFELTER: Do not add outdoor display, okay.

26 CHAIRMAN IAFELICE: The Table of Uses, we're
27 amending the list. One item in the list is the outdoor
28 display to RD-2.

29 MR. REPPERT: RD-2, there it is.

30 CHAIRMAN IAFELICE: They're asking, yeah.

1 MR. REPPERT: And where are --

2 CHAIRMAN IAFELICE: That's on page, Heather, maybe
3 you can --

4 MS. FREEMAN: Oh, yes.

5 CHAIRMAN IAFELICE: I know I looked it up before.

6 MS. FREEMAN: Sorry. Page 22.7.

7 CHAIRMAN IAFELICE: Seven, yes.

8 MR. REPPERT: Seven.

9 CHAIRMAN IAFELICE: So under --

10 MS. FREEMAN: Under Accessory.

11 CHAIRMAN IAFELICE: -- RD-2, the very first one,
12 it's indicating do not add that in the Table of Uses under
13 RD-2.

14 MR. LINGENFELTER: Mr. Chairman, I will make a
15 motion that we accept Amendment Number 2, revise Section 22.03
16 Table of Uses to amend the list of permitted uses, conditional
17 uses and accessory uses in the Commercial and Industrial
18 Districts, however, with the modification of not adding
19 outdoor display to RD-2 Research and Development 2.

20 CHAIRMAN IAFELICE: Thank you. We have a motion to
21 approve with modification. Do I have a second?

22 MR. TERRIACO: Second.

23 CHAIRMAN IAFELICE: We have a second.

24 MR. SCHINDLER: I second.

25 CHAIRMAN IAFELICE: Any further discussion? If not,
26 roll call, please.

27 MS. FREEMAN: Mr. Terriaco?

28 MR. TERRIACO: Yes.

29 MS. FREEMAN: Mr. Reppert?

30 MR. REPPERT: Yes.

1 MS. FREEMAN: Mr. Schindler?

2 MR. SCHINDLER: Yes.

3 MS. FREEMAN: Mr. Lingenfelter?

4 MR. LINGENFELTER: Aye.

5 MS. FREEMAN: And Mr. Iafelice?

6 CHAIRMAN IAFELICE: Yes.

7 Thank you, members. We are completed, the
8 amendments. Thank you for all the efforts here and the time,
9 thank you.

10 With that, I will revert back to our original agenda
11 for approval of the minutes of March the 7th, 2023. Any
12 comments, edits, questions on the minutes?

13 MR. LINGENFELTER: You are up, Hiram.

14 MR. REPERT: Mr. Chairman, I make a motion that we
15 approve the minutes as stated.

16 CHAIRMAN IAFELICE: We have a motion to approve the
17 minutes as submitted.

18 MR. LINGENFELTER: Oh, what?

19 MR. REPERT: Yeah.

20 CHAIRMAN IAFELICE: Do I have a second?

21 MR. LINGENFELTER: I'll second.

22 CHAIRMAN IAFELICE: We have a second. We will do
23 this by voice vote. All in favor, aye. Opposed?

24 MR. SCHINDLER: Abstain.

25 CHAIRMAN IAFELICE: Abstain, thank you.

26 MR. SCHINDLER: I wasn't here.

27 (Four aye votes, no nay votes, one abstention.)

28 CHAIRMAN IAFELICE: The minutes of March the 7th
29 stand approved.

30 Correspondence, any members, Frank? Any members

1 have correspondence since the last meeting?

2 MR. SCHINDLER: Well, over the past months, now that
3 the weather is getting warmer, my neighbors are walking around
4 the neighborhood and we're all talking and everything about
5 things. I've been having quite a few of them stop, because
6 they know I am on the Zoning Commission, really upset over
7 what's been going on with the development from Riebe up there
8 on Hoose Road. How did the Trustees -- How did the Zoning
9 Board allow that to happen? I said, Wait a minute. It wasn't
10 the Zoning Board that allowed that to happen the way it has.
11 After we did our, of course, due diligence in approving, you
12 know, the conservation zoning, after it left our hands it went
13 to the Trustees for their public hearing. Ever since then,
14 they've made or gave the authorization to do what's going on
15 there now, because it didn't come to us anymore. Any changes
16 or anything that the developer is doing actually falls on to
17 the Trustees. So please don't come and complain to me because
18 it wasn't our doing that the development is happening like it
19 is. That was the Trustees' doing.

20 So that's the only thing I've had as far as
21 correspondence and regarding that particular issue.

22 CHAIRMAN IAFELICE: Hiram, anything.

23 MR. REPERT: No formal correspondence.

24 CHAIRMAN IAFELICE: I have not had any formal
25 correspondence. Andy?

26 MR. LINGENFELTER: No, nothing for me.

27 CHAIRMAN IAFELICE: Ron?

28 MR. TERRIACO: Nothing.

29 CHAIRMAN IAFELICE: Thank you.

30 Public Participation, our next order of business,

1 Public Participation. We have no one here in attendance this
2 evening.

3 MR. LINGENFELTER: Please don't all rush to the
4 podium. We don't want any injuries.

5 CHAIRMAN IAFELICE: Don't all rush. We will close
6 Public Participation.

7 I am just, I am going to move a little bit out of
8 order again, without objection from members, to Old Business.
9 And under Old Business is a discussion on the Zoning
10 Commission reserve jurisdiction for the IN9 Group LLC project.
11 We have received correspondence. Okay. We received
12 correspondence just this afternoon via email from counsel
13 regarding the proposed agreement for our consideration, our
14 review and consideration between the, this body, the township
15 Zoning Commission, and the IN9 Group LLC.

16 First of all, I would ask the members if they've all
17 had a copy. Heather had it printed out here as well. Was
18 there ample time for you to review here in advance of the
19 meeting?

20 MR. REPPERT: Whereas, no.

21 MR. SCHINDLER: I read through it quickly but there
22 was probably a lot that really I felt should still be
23 discussed among the board members.

24 CHAIRMAN IAFELICE: Ron, a chance to review?

25 MR. TERRIACO: Not ample time, no.

26 CHAIRMAN IAFELICE: Andy?

27 MR. LINGENFELTER: I am like Frank. I read through
28 it but I didn't really read, read it. My assumption, right,
29 wrong or indifferent, is that it was prepared by Mr. Lucas and
30 he approved it and they moved forward and they signed it. It

1 seems pretty good to me.

2 CHAIRMAN IAFELICE: Thank you. I had some time
3 late, just in the last hour or two, and had questions that I
4 was able to get Mike Lucas on the phone prior to the meeting.
5 And so with the, if you will allow me to kind of talk about
6 the questions I had, at least, it might see what I had and
7 what I was able to learn from Mike responding to my concerns
8 and questions in the agreement.

9 The first page, the "whereases," is basically, if
10 you look at the one, two, the fourth "whereas," it indicates
11 clearly that the, while there was a waiver, it is still, it is
12 "subject to the Zoning Commission's retained and continued
13 authority to review at its discretion whether the Property
14 should include a public sidewalk." So that jumped out at me.
15 Okay, so we've retained the authority. We had the authority,
16 retained the authority, so there is no change to that in the
17 agreement. And the jurisdiction remains in our rights to
18 review the subject sidewalk, is what they talk to in this
19 agreement.

20 The more telling points for me is on page 2, under
21 Section 1. The first thing that jumped out was the word
22 "limited" in the title, "Zoning Commission Limited Retention
23 of Jurisdiction." But as I read through it, I had the
24 questions and Mike responded in kind to it. So I highlighted
25 the section. If you read the first section, "the Zoning
26 Commission shall retain its jurisdiction to determine the
27 necessity for the construction," but the size and scope shall
28 be determined and agreed to by both parties.

29 Mike explained that the motion for approval of the
30 waiver at the time was very open-ended. He did his best to

1 work what he felt was an agreement in the parties' interest
2 but also protected our authority and jurisdiction. But at the
3 point of actually implementing something for construction, it
4 was agreed to by both parties that how it is, the size and
5 scope, must be agreed to by both parties, the design of what
6 it's going -- is it going to be relocating a hydrant, is it
7 going around the hydrant, things of that nature, and I
8 understood that.

9 Now, it's the next part that I had the quandary.
10 The next part says, "The Zoning Commission's exercise of this
11 limited jurisdiction shall be initiated upon the occurrence of
12 one of the following." So it begins with (a), that we have
13 the review, determination of the review of the sidewalk at our
14 sole and exclusive direction --

15 MR. REPERT: Discretion.

16 CHAIRMAN IAFELICE: What did I say?

17 MR. REPERT: You said "direction."

18 CHAIRMAN IAFELICE: Discretion, thank you. "Review
19 and determination in part may include," may include, may
20 include consideration of letter (i), (ii) and (iii), so there
21 is the pedestrian load, infrastructure connections, and other
22 developments on adjacent properties, or five years. So that
23 was my question to Mike, "or," so it was (a) or (b). So I
24 said my interpretation of this agreement is that we have
25 agreed that, within five years, we, at our discretion for (b),
26 without considering (i), (ii) and (iii), can require the
27 construction of the sidewalk, and he agreed. He says that's
28 correct.

29 MR. REPERT: Within five years.

30 CHAIRMAN IAFELICE: Yes.

1 MR. REPPERT: After five years, null and void.

2 CHAIRMAN IAFELICE: After five years, it's null and
3 void.

4 And then it goes on to say the board shall establish
5 within reason a designated final date for completion of the
6 sidewalk by IN9.

7 So it basically reserves our authority within five
8 years at our discretion. And that's, I said, so then why, we
9 say may include consideration of the other ones. There is an
10 out that basically puts the onus on the Zoning Commission,
11 prior to the end of five years from the date of this
12 agreement, to initiate that we want the project completed.
13 And that's, that was my concern was the "or." Do we have to
14 have a cause, a cause and effect to say, at four years and ten
15 months, we require the sidewalk to be installed? He said,
16 "No, you're within the time frame."

17 So my interpretation of this, as I asked Mike Lucas,
18 was we're just giving them time. This is just a postponement
19 for up to, up to five years. He said that's correct, it's a
20 postponement unless something, some other things come up,
21 pedestrian load, other connections, that we want to advance
22 that further.

23 So I said, well, what if we did it next month? The
24 way it says is within the five years. He didn't have a
25 comment on that one.

26 MR. REPPERT: I guess the question I have, the way I
27 read it is we can exercise this discretion to put the sidewalk
28 in or not within five years, number one.

29 CHAIRMAN IAFELICE: Yeah.

30 MR. REPPERT: Or after five years, if the pedestrian

1 load demands it, necessary infrastructure connections of the
2 area demands it, so that's after five years. That's the way I
3 read it. Why wouldn't we have that in there if we don't, I
4 mean, if we have the five years? "The Zoning Commission's
5 determination to review the subject public sidewalk waiver at
6 its sole and exclusive discretion, which review and
7 determination in part may include consideration of the
8 following." That's under (a), so that's one portion.

9 CHAIRMAN IAFELICE: Uh-huh.

10 MR. REPERT: We can exercise that at any time if
11 the pedestrian load or the infrastructure or sidewalk
12 connections, any time.

13 MR. TERRIACO: Go down one more paragraph.

14 MR. REPERT: Or, (b), within five years.

15 CHAIRMAN IAFELICE: The next paragraph.

16 MR. TERRIACO: Yeah.

17 CHAIRMAN IAFELICE: Then when I asked Mike, this is
18 not ad infinitum, it's five years. Because of the open-
19 endedness of the motion on the waiver, the five year is the
20 time limit on anything. Otherwise, it's gone. That's what he
21 explained.

22 MR. REPERT: Boy, that's not how I read it.

23 CHAIRMAN IAFELICE: I know. But that's how he
24 explained it to me, because the next paragraph says, "The
25 foregoing," which is all of that -- it doesn't limit it -- the
26 foregoing is limited to five years. But I agree with you,
27 Hiram. When I first read it --

28 MR. REPERT: Then why do we have the (i), (ii) and
29 (iii)?

30 CHAIRMAN IAFELICE: Providing that there might be

1 development impacts that we feel must be addressed sooner
2 within the five years, if there were things that were --

3 MR. REPERT: "Within the five years" covers it.

4 CHAIRMAN IAFELICE: Agreed.

5 MR. SCHINDLER: Well, it spells out, of course, the
6 conditions.

7 MR. REPERT: Whatever.

8 MR. SCHINDLER: Yeah, it gives the conditions and we
9 can use our discretion.

10 MR. REPERT: So put another sticky on the calendar
11 on, what, 2028 April or March, make it March, put in sidewalk.

12 CHAIRMAN IAFELICE: Yeah.

13 MR. REPERT: You can do that. Isn't that what
14 we're saying?

15 CHAIRMAN IAFELICE: That's what -- I think I asked
16 him that at least three times because I said, "I don't want to
17 speak out of turn, Mike. It is our discretion within the five
18 years, it doesn't say when but somewhere within the five years
19 to require it?"

20 MR. REPERT: And it doesn't have to meet (i) or
21 (ii) or (iii)?

22 CHAIRMAN IAFELICE: Correct, correct.

23 MR. REPERT: At our discretion, we say do it.

24 CHAIRMAN IAFELICE: Correct.

25 MR. REPERT: And they agreed to that.

26 CHAIRMAN IAFELICE: Having said all that --

27 MR. REPERT: Okay.

28 CHAIRMAN IAFELICE: If it's the wishes, if we would
29 like -- I guess I am not, without counsel here this evening,
30 and I am going from my conversation within the last hour, if

1 we're not comfortable in -- And I understand what's required
2 here is a motion and approval for me to, for the agreement,
3 for us agreeing and then for me to sign this agreement that's
4 before us. But I defer to the wishes of the members here if
5 there is any reservation on moving forward with any lingering
6 questions that we may have for counsel.

7 MR. TERRIACO: A question.

8 CHAIRMAN IAFELICE: Yeah.

9 MR. TERRIACO: So in two years, one of these
10 examples comes about. We said, okay, it's time to put the
11 sidewalk in, then it's a definite. They have to put the
12 sidewalk in. There is no, well, we got this or that. It's a
13 definite, they have to install that sidewalk.

14 MR. REPERT: But we have the decision-making
15 process as to how it looks, either move the hydrant, go around
16 the hydrant with the sidewalk or whatever, that's part of
17 this. So, yeah, you know, within two years or whenever you
18 want it, yeah.

19 MR. TERRIACO: So the board says time to put them
20 in, they have to put them in.

21 MR. REPERT: Yeah.

22 CHAIRMAN IAFELICE: It's my understanding, Ron, sole
23 and exclusive discretion, not direction, discretion, but that
24 the size and scope, the design has to be agreed to by both
25 parties.

26 MR. TERRIACO: Yeah.

27 CHAIRMAN IAFELICE: But it would go forward.

28 Heather, I don't know if you had conversation with
29 Mike but that was, I went into great detail with him on these.

30 MS. FREEMAN: Yeah, everything --

1 CHAIRMAN IAFELICE: Everything I said?

2 MS. FREEMAN: Everything you said is the way I
3 understand it as well.

4 CHAIRMAN IAFELICE: Phew, okay.

5 MS. FREEMAN: Yeah.

6 MR. TERRIACO: Good job.

7 CHAIRMAN IAFELICE: Okay, thank you.

8 MR. REPERT: I will make a motion. Is that what
9 you were looking for?

10 CHAIRMAN IAFELICE: I am just asking whether we're
11 comfortable in moving forward with a motion or --

12 MR. REPERT: Well, we will find out.

13 CHAIRMAN IAFELICE: Okay.

14 MR. REPERT: I make a motion that we authorize the
15 signing of the agreement as noted coming from Mr. Lucas, for
16 our chairman to approve the agreement.

17 MS. FREEMAN: On behalf of the --

18 CHAIRMAN IAFELICE: On behalf of, we want to
19 approve --

20 MS. FREEMAN: -- the Zoning Commission, yeah.

21 CHAIRMAN IAFELICE: -- on behalf of the Zoning
22 Commission the agreement, right?

23 MR. REPERT: Okay, okay. On behalf of the Zoning
24 Commission.

25 CHAIRMAN IAFELICE: The full agreement, okay. Okay.
26 We have a motion to approve the agreement as submitted and
27 for, yeah, approve the agreement, as I understand, right?

28 MR. REPERT: Authorize you to sign it.

29 CHAIRMAN IAFELICE: And execution by the board
30 chair.

1 MR. LINGENFELTER: Were there any other issues that
2 you had?

3 CHAIRMAN IAFELICE: So we're in discussion still.
4 You're looking at my notes here.

5 MR. LINGENFELTER: No, no. I --

6 CHAIRMAN IAFELICE: My first question was, can we
7 revoke the waiver? He said no. What we've done with the
8 motion before to give the waiver, and the fact that this
9 agreement has been approved, at least in his, legal's stance
10 and by that party, he did not feel it was, we could revoke.
11 That was my other question was revoking the waiver.

12 MR. REPERT: So that means right now, no sidewalk.

13 CHAIRMAN IAFELICE: Until we --

14 MR. REPERT: Right now.

15 CHAIRMAN IAFELICE: Correct.

16 MR. REPERT: He is going ahead with construction
17 with no sidewalk.

18 CHAIRMAN IAFELICE: Correct, correct, correct. That
19 was my only other question as I went through it. I was asking
20 why the word "limited" was repeated in here a couple times if
21 then, when I read it, there wasn't any limitation. I am not
22 the lawyer but I was like --

23 MR. SCHINDLER: It's what we call the weasel words
24 that are put into contracts that are the loopholes that can
25 hardly change.

26 MR. REPERT: That's why we need lawyers.

27 CHAIRMAN IAFELICE: So "limited" is three times in
28 this page 2.

29 MR. LINGENFELTER: Was there anything else on any
30 other pages you had any --

1 CHAIRMAN IAFELICE: No. The rest was the, no,
2 Counterparts, Entire Agreement, Severability, it's all
3 standard.

4 MR. LINGENFELTER: Okay, all right.

5 CHAIRMAN IAFELICE: That's all I had. So --

6 MR. LINGENFELTER: We have a motion.

7 CHAIRMAN IAFELICE: We have a motion on the table
8 for approval of the agreement and execution by the chair.

9 MR. LINGENFELTER: I'll second.

10 CHAIRMAN IAFELICE: And we have a, we have a second.
11 Any further discussion on approval of the agreement? There
12 being none, roll call, Heather, please.

13 MS. FREEMAN: Mr. Reppert?

14 MR. REPPERT: Yes.

15 MS. FREEMAN: Mr. Terriaco?

16 MR. TERRIACO: Yes.

17 MS. FREEMAN: Mr. Lingenfelter?

18 MR. LINGENFELTER: Aye.

19 MS. FREEMAN: Mr. Schindler?

20 MR. SCHINDLER: Yes.

21 MS. FREEMAN: Mr. Iafelice?

22 CHAIRMAN IAFELICE: Yes.

23 Thank you, members. That was a -- He is handing me
24 the pen, for those that are not watching. Thank you, members.

25 The other item on Old Business has been tabled on
26 PUD and Residential Conservation Development.

27 The last item on our agenda this evening is election
28 of chairperson and vice chair. This is, my 12 months are in.
29 Wow, does time fly fast.

30 MR. REPPERT: Yes, it sure did.

1 CHAIRMAN IAFELICE: When you're having fun, right?
2 So what are the wishes of the board, election of
3 chair and a vice chair starting in May?
4 MR. LINGENFELTER: Who is the vice chair now?
5 CHAIRMAN IAFELICE: It's Mr. Peterson.
6 MR. REPERT: Rich.
7 MR. SCHINDLER: Rich Peterson.
8 MR. LINGENFELTER: Guess what Rich is.
9 CHAIRMAN IAFELICE: In abstentia.
10 MR. LINGENFELTER: That's what he gets for not being
11 here. Mr. Chairman, I would make a motion that we appoint or
12 elect Mr. Peterson to become the chairman.
13 CHAIRMAN IAFELICE: We have a motion on the floor
14 for Mr. Peterson as the next chairperson for the board.
15 MR. REPERT: I will second.
16 CHAIRMAN IAFELICE: We have a second. Any
17 discussion on the chair? Mr. Peterson isn't here, so he
18 better be it. Roll call, please, Heather.
19 MS. FREEMAN: Mr. Lingenfelter?
20 MR. LINGENFELTER: Aye.
21 MS. FREEMAN: Mr. Reppert?
22 MR. REPERT: Aye.
23 MS. FREEMAN: Mr. Iafelice?
24 CHAIRMAN IAFELICE: Yes.
25 MS. FREEMAN: Mr. Terriaco?
26 MR. TERRIACO: Yes.
27 MS. FREEMAN: Mr. Schindler?
28 MR. SCHINDLER: Yes.
29 CHAIRMAN IAFELICE: Thank you, members.
30 Next item here is consideration for the vice chair,

1 who is currently Mr. Peterson, to move on as vice chair of the
2 Zoning Commission. Do we have any nominations?

3 MR. SCHINDLER: Mr. Chairman, I so move that we have
4 Andy Lingenfelter as vice chair.

5 CHAIRMAN IAFELICE: We have a motion for Andy
6 Lingenfelter as vice chair.

7 MR. REPERT: I'll second.

8 CHAIRMAN IAFELICE: Do you want to -- I was going to
9 ask him. We have a second.

10 MR. LINGENFELTER: Can I do that?

11 CHAIRMAN IAFELICE: We have a second. And we have a
12 second, Andy as vice chair. Any further discussion? Any
13 further nominations? If not, roll call, please, Heather.

14 MS. FREEMAN: Mr. Terriaco?

15 MR. TERRIACO: Yes.

16 MS. FREEMAN: Mr. Iafelice?

17 CHAIRMAN IAFELICE: Yes.

18 MS. FREEMAN: Mr. Reppert?

19 MR. REPERT: Aye.

20 MS. FREEMAN: Mr. Schindler?

21 MR. SCHINDLER: Yes.

22 MS. FREEMAN: Mr. Lingenfelter?

23 MR. LINGENFELTER: Abstain.

24 CHAIRMAN IAFELICE: Thank you, members, appreciate
25 it. I enjoyed chairing this last 12 months, I really did.
26 You made it pleasant, fun.

27 And thank you, Heather, for all the support.

28 MR. LINGENFELTER: Well, Rich, I am going to go out
29 there and say that I think you did a fantastic job.

30 CHAIRMAN IAFELICE: Thank you.

1 MR. REPPERT: I will second that.

2 MR. LINGENFELTER: I thought it was very, I thought
3 you ran a very nice Zoning Commission term and I thought we
4 made a lot of significant positive changes for the township.
5 I think your attention to detail and your ability to manage
6 the process was exceptional.

7 CHAIRMAN IAFELICE: I appreciate that.

8 MR. LINGENFELTER: And I thank you for the year that
9 you gave us as the chairman.

10 CHAIRMAN IAFELICE: Well, I was worried you were
11 going to renominate. It was preparation. But thank you,
12 thank you for saying that, really. No, you made it pleasant.
13 It's a good, good working group. We had a lot of good
14 discussions, went through a lot.

15 MR. REPPERT: That, we did.

16 MR. SCHINDLER: Very much so.

17 MR. LINGENFELTER: I think it's, I think it's
18 important to note that, when you have a good group together,
19 that works well together, I think you can get a lot
20 accomplished.

21 CHAIRMAN IAFELICE: Got a lot accomplished, yeah.

22 MR. LINGENFELTER: I think we got a lot accomplished
23 and I think we work well together and I appreciate everybody
24 that sits at this table for the work that they do and I am
25 glad that I am a part of it. So --

26 CHAIRMAN IAFELICE: I will echo that.

27 MR. SCHINDLER: Here, here, I agree.

28 CHAIRMAN IAFELICE: I echo that.

29 MR. SCHINDLER: We have a group that can, you know,
30 we can have difference of opinions but to be able to sit down

1 and discuss and agree, that's the biggest thing.

2 CHAIRMAN IAFELICE: The biggest thing.

3 MR. SCHINDLER: I find nowadays, unfortunately, it's
4 not there. But I feel very comfortable, especially being a
5 Zoning Commission member for quite many years.

6 MR. LINGENFELTER: How many years are you at now,
7 Frank?

8 MR. SCHINDLER: Well, I've been the longest.

9 MR. LINGENFELTER: I know that but are you over 30?

10 MR. SCHINDLER: Yeah.

11 MR. LINGENFELTER: Good for you.

12 CHAIRMAN IAFELICE: Oh, my.

13 MR. SCHINDLER: Thirty-one years, going on 32.

14 MR. LINGENFELTER: My silver anniversary is this
15 year. I got 25 going.

16 CHAIRMAN IAFELICE: Wow.

17 MR. TERRIACO: I have four months.

18 MR. LINGENFELTER: Yeah. And I think it's
19 appropriate to recognize the, while we're in the process,
20 recognize the efforts of our alternatives, both Ashley and --

21 CHAIRMAN IAFELICE: Ron here, yeah,

22 MR. LINGENFELTER: -- Ron for the work you've done.

23 MR. TERRIACO: Thank you.

24 MR. LINGENFELTER: You guys have been very capable
25 and competent and you're always, whenever either one of you
26 takes the chair here at the table, you're always well versed
27 in the issues and you do research.

28 MR. TERRIACO: I learned a lot from all of you.

29 MR. LINGENFELTER: Well, you guys, I mean, but you
30 come up here, you don't just kind of yes along. I mean, I

1 know that you do the work and that's important and I commend
2 you for taking that job seriously because it could be
3 something that most people, as an alternative, would kind of
4 go through the motions. But we've got two very, very capable
5 and competent people that, whenever there is a need, and it
6 comes up occasionally, to have somebody fill in that we don't
7 have to worry about, you know, having four versus five. I
8 think the people that we have that come in and take the role
9 make, can keep this board complete at five. So we appreciate
10 the work, we really do, at least I do.

11 MR. TERRIACO: Glad to be here.

12 MR. LINGENFELTER: So thank you.

13 MR. SCHINDLER: Here, here, I agree.

14 CHAIRMAN IAFELICE: Here, here, very good. Thank
15 you for saying that, Andy. Thank you.

16 MR. LINGENFELTER: Yeah.

17 CHAIRMAN IAFELICE: Our next meeting is May the 2nd,
18 with Mr. Peterson as chair, so let's shout out to Rich here
19 before May 2nd. Don't -- We've got to surprise him.

20 There being no further business, the Zoning
21 Commission meeting stands adjourned.

22 (Whereupon, the meeting was adjourned at 8:04 p.m.)
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1 STATE OF OHIO)
2 COUNTY OF CUYAHOGA) CERTIFICATE

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

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

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

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my seal of office this 14th day of April 2023.

19 Melinda A. Melton-----
20 Melinda A. Melton
21 Registered Professional Reporter

22 Notary Public within and for the
23 State of Ohio

24 My Commission Expires:
25 February 4, 2028

