

Minutes of the

Zoning Commission Meeting

August 4, 2022

6:10 p.m.

Zoning Commission Members: Ann Stalter, Christine Horton, Jeff Brown

Others in Attendance: Max McConnell (Associate Economic and Zoning Administrator) Carolyn DiGiandomenico (Administrative Professional)

– Residents in attendance -

Clay Humphry

Ms. Stalter – Meeting Called to Order 8/4/22

Roll Call – Mr. Brown; here, Ms. Stalter; here, Ms. Horton; here.

Ms. Stalter - Before we continued need a motion to approve the agenda.

Mr. McConnell - I would like to propose agenda modification. I do not believe that the agenda that was sent out had a case on it. The only thing we would like to add to the agenda is previously sent ZC Meeting minutes for your approval.

Ms. Stalter – Due to friendly amendment of agenda.

Ms. Horton – I make a motion to approved modified agenda.

Mr. Brown – I approve.

Ms. DiGiandomenico - Mr. Brown; yes, Ms. Horton Yes, Ms. Stalter; Yes

Ms. Stalter – Before we move forward, I would like to make sure that notification was sent out in a timely manner.

Mr. McConnell – Yes, notices were sent out in the newspaper and in mailings for the case which was later withdrawn.

Ms. Stalter – I also want to ensure there are not conflicts of interest.

All – No conflicts of interest.

Ms. Stalter - Can you please share with us.

Mr. McConnell – The original case we were to hear, applicant withdrawn. Developer in the Arlington Place was trying to situation a house on an oddly shaped lot, but the setbacks would need a minor modification, which would have resulted in a slight modification. But the buyer decided to by the additional two lots in adjacency to his original lot, so there will now be no issue with setback's. They will now have 3 parcels with just one property on it. The case was withdrawn. We will just wait on them to go through the regional planning process and go from there. No case this evening. But I do have some new business to discuss. I have prepared a short rational document with visuals on what and why we

are doing it. This is to bring a motion before the Greene County Regional Zoning group. We were approached by Matt Arnovitz owner of some of the remaining parcels of the Beaver Park PUD across the street. He is looking to use one of the existing parcels in a matter which it is not currently zoned for. In fact, that PUD was one of the first PUD's created in the Township, I believe it was in 1984. PUD's have come a long way in that time. Additionally, as I talked to him and delved into the governance documents of that PUD it was clear, even talking to staff that some of the Key Documents have been difficult to locate, what has been found is unclear with all the requirements for the PUD. We have been unable to find the Resolution, but instead only a letter from the Zoning Commission to the Developer explaining what is permitted describing the resolution has been passed. This rezoning will supply 2 things. 1. Clean up the rules and permitted uses which are now in question. 2. Will allow for the uses that Mr. Arnovitz are wanting to use.

Ms. Stalter – May it have possibly been transferred to microfiche? Is there any one left from that time, such as Carol Graff that may have information on this?

Mr. McConnell – Possible, but we just completed a large-scale process to digitize previous records, back to as far as 1951 and before. Even in that work, we have been unable to find these documents. Wondering if it was not recorded properly. Obviously, this PUD has been built up. The letter has acted as the resolution, but is not a formal document, so if challenged would not hold water.

Ms. Stalter – Is there any legal guidance on this?

Mr. McConnell - Yes, I spoke with Dawn, and she agrees that this would be a good step in ensuring that we have accurately documented resolution on what this property can be used for moving forward.

Ms. Stalter - Whenever we hear something we are under a legal obligation to make zoning changes so if we are making a zoning change, I want to make sure that we understand the zoning changes being made.

Mr. McConnell - A visual of the Map of the parcels that will be rezoned into a PUD-I/C. (Industrial/Commercial) is shown. Parcel ID's are contained on the "rational for Rezoning Parcels to PUD-I/C" shared with the packet for this request.

Ms. Stalter – And it is currently zoned what?

Mr. McConnell – PUD-I (industrial). I will show you the letter. You will find that the list of Uses is significantly reduced from what is allowed in I. You will also note that this here (points to a specific spot on the map) is a Day Care center. Which is not allowed in I.

Ms. Stalter – You have my attention.

Mr. Brown – So this is right across the street.

Mr. McConnell - Yes. The original PUD is here (shows on map), these are all similar uses, warehouse, store & lock, construction companies, storage areas used and are zoned as I1. We like to rezone the park into this PUD. In case someone would like to come along and revitalize or build something new we do not believe their options would be expanded without any clashes into what they are doing or proposed new uses.

Mr. Brown – So this is not eliminating their uses.

Mr. McConnell - No this is expanding uses. In fact, would allow the Day care to be acceptable use. Which we are still trying to figure out why it an approved use. Still trying to figure out why it was permitted in this existing PUD-I designation.

Ms. Horton – So what happened with the transfer of data? You could not find it?

Mr. McConnell – Yes that is what we are saying. We cannot locate the resolution, documenting data for this.

Ms. Stalter – So that is what got my attention is the Day Care Center. Even though it is there. So let's talk about the uses.

Mr. McConnell – This is all uses in our code, and you can see if they are conditional, permitted or not permitted. Pulls up the list. Business^{2,3,4} increasing intensity, office, industrial, light industrial & heavy. C is conditional, X is permitted. Blank is prohibited.

Ms. Stalter - Remind me. C is conditional, X is approved.

Mr. McConnell – Yes, C is conditional, X is permitted blank means prohibited. We worked with Matt and here is the list of what the township considers. Had him define what he was looking for. Ed & I then reviewed that list and made necessary modifications. There were some that we do not believe he understood, and we worked through them with Matt. Such as Livestock processing. When Ed and I were going through the list of uses. We have many pages of uses. Ed & I's determination was on was it noxious.? Noise, dirt, dust, hazardous materials. If so, what is the intensity of noxiousness and would it be permitted in this PUD-I/C. Livestock, heavy industrials are not included.

Ms. Horton – If it gets rezoned commercial, would the childcare still be considered acceptable?

Mr. McConnell – Yes, it is on here?

Mr. Brown - What does a conditional imply?

Mr. McConnell – It is on a case-by-case situation. We would have them come in for a hearing to explain the uses and then based on that the approval/denial for the conditions would be given.

Mr. Brown – Sounds very subjective.

Mr. McConnell – Yes, it is. There are some standards that must be followed but it is still a very subjective process and is a case-by-case basis. But any conditional use, would have to follow the “norm” based conditions. As an example, screening. They must follow the normal screening requirements. Example is if they want to do sanding with a diamond tip. This would require a special chemicals to perform sanding on such hard surfaces. In such, they would need to house some type(s) of chemicals. In such cases, possible condition(s) would be. Cannot have over XX ounces of such chemical. Chemical must be stored in a chemical cabinet. Exc.

Mr. Brown – So is 1st step is to look at all these uses and determine if they make sense in this area?

Mr. McConnell – Yes, with a 2nd step is to refine the possible iffy uses to ensure that we can make this work with conditional additions made.

Mr. Brown – So in the case of the childcare. If it did not look like a fit, would you look at that as a conditional?

Mr. McConnell – We cannot change the zoning and so you now must comply to the new zoning. That would be called a Legal Inconformity. We cannot make them do that. What is currently happening in this area is very varied and very light commercial.

Mr. Brown – But I thought you said that they were not meeting requirements from the start.

Mr. McConnell – Yes, we are still trying to find the information how/what permitted the Child Care center to be added. I would not say that Child Care would not actually fit. What we currently have in this area is, auction house, bank, light industrial.

Mr. Brown – So varied.

Mr. McConnell – Yes. It is more of a commercial park than an industrial shop. Where you would have 5 shops and they have lathing work going on. Not really industrial. Now QQE just came in this recently and they manufacture quartz items.

Mr. Brown – Quartz pieces

Mr. McConnell – Yes, Quartz items are being manufactured for semiconductors and such items. CNC processing. They just joined us this year. So this PUD Ranges from Child Care to light industrial. So based on the layout of the area, the Child Care center is away from all the other business and so would not be impacted by traffic, noise, ingress or egress or potential traffic safety for both the children or the parents who would be dropping them off. Because of their location within the PUD, the possible issues that may have been an issue are mitigated because of their location with-in it. This would be an example of a possible condition for their occupancy in this PUD.

Mr. McConnell – In this listing, the Child Care is a conditional use business.

Ms. Horton – Where is it on the list?

Ms. DiGiandomenico – It is under Nursery School. And is listed as conditional across the board.

Ms. Stalter – In accordance with 18.29. What is 18.29?

Mr. McConnell – That would be our Zoning Code and I would have to pull that up for you.

Mr. Brown – So are you trying to change this to PUD-I/C.

Mr. McConnell – It is PUD-I, which I do not feel meet's the need with this park. Pulls up 18.29.

Ms. Stalter - Outdoor play space to create agricultural maximum enrollment?

Mr. McConnell – Reads # 4 which refers to agricultural/residential. Must be accessorized to a place of religious assembly. This would no longer apply.

Ms. Stalter – So maybe when it was put in, maybe it did meet this need.

Mr. McConnell – No this was back in 1984.

Ms. Statler – So maybe it was linked to the church?

Mr. McConnell – No.

Ms. Stalter – This kind of started where they tried to do the Banks and businesses as such.

Mr. McConnell – Shares the letter from Mr. Arnovitz.

Ms. Stalter – So was he the owner of this property at that time?

Mr. McConnell – Yes.

Ms. Stalter - Did he purchase and start at that time? Who owned before that time?

Mr. McConnell – I do not know that. I would have to investigate that.

Ms. Stalter – The reason I am wondering is what was the history of the Fire Station location in terms of the property ownership?

Mr. McConnell – I would have to look up under old records. Being here only a couple of years, I am not privy to that.

Ms. Stalter – The reason I ask if the fire department did any of their fire-retardant trainings and that sort of thing. We have a day care, is there anything in the soil that may be a problem. If so, where my head is going with this is, regardless of that, rezoning it offers us the opportunity for chemicals that may have those things in them. We need to be more cognizant of the consequences being in our township. And I am sensitive to that because of the kids, the Bank, and I think the Gymnasium where kids were practicing basketball. I think we need to be aware of that. But I also know where we are if we do not resolve.

Mr. McConnell – So for future, if I would have to make a recommendation, I would recommend it. But for right now the purpose of this discussion is to be able to present this Proposed Rezoning rational to the Greene County Regional Planning board.

Ms. Stalter – We can ask them to look at such things?

Mr. McConnell – I do not know that I could ask them to look at specific items that are not part of their normal review process. I may be able to address it at an Executive Committee meeting and express the concern of such that occurred during our Zoning Commission while the motion was being made. Can ask that they suggest a way to improve or modify rezoning boundary to help mitigate those issues and they can supply suggestions.

Ms. Stalter – I think it would be good practice and I do not know that it is being done anywhere. I think it would be a good idea to have Base Line environmental assessments at this time. In all the things we are doing. I know that is different from what you are asking for now. But to be able to address future things that come to us.

Mr. McConnell – I think that would be a great opportunity to include in our, as you know we are working on our Comprehensive Land Use Plan so to incorporate that into that work as actionable items. Something like that would require us to modify our zoning resolution to make it a requirement. We could not just propose it administratively. In fact, I think that a good Idea.

Ms. Stalter – It is just a safeguard. That is all it is.

Mr. McConnell – If there were demonstrable public support, it would make it easier to bring before the trustees and say this is a change that needs to be added. If a commercial site wants to come in, they must do this. The things to think about are the cost and time increases for the developers. We need to balance all concerns so must think about all sides. Working with Planning NEXT we are gearing towards natural resources as a major thought of what is important for this community. And this suggestion fits right into that.

Ms. Stalter – To stick to the agenda and for what you are asking for. Tell me about the timeline you are looking for. We have not discussed this yet, so sticking to what you need. If we took more time to look over the conditional uses would that cause any problems for the Landowners and or regional planning.

Mr. McConnell – At this stage, in anticipation of a Motion from you, I have given this to Deandra for her initial review for the August meeting. If we do not get a motion, then I will reach out to Deandra to have it removed from their August agenda. What I am asking from you, is a motion to send this to Deandra for their review and to supply additional information. So, during their review and information supplying, you could be reviewing this data.

Ms. Stalter – Ok, so we are not making a final rezoning decision.

Mr. McConnell – Correct.

Ms. Statler – Ok, we can move on then.

Mr. Brown – So it was not; clear as to what is the current owner looking to add as a business?

Mr. McConnell – Yes. This is not information that is required from the owner this time and is proprietary business idea that he wants to bring in. I must be vague here.

Mr. Brown – So is it a very different model from what is already here?

Mr. McConnell – So this area used to be a driving range.

Mr. Brown – Ok, and so what exactly is that?

Mr. McConnell – Like hitting golf balls.

Mr. Brown – Ok, that is what I thought.

Mr. McConnell – His thought when approaching us he would like to turn this space into mini-incubators. Pre-fabbed spaces for business to start their journey.

Mr. Brown – So an innovation site.

Mr. McConnell – Yes, that is another way to put it. I do not want to go into details. For companies starting out this could be their very first floor space. Test out their products.

Mr. Brown – So it could be very varied dependent in terms of how it could be used?

Mr. McConnell – Yes it could. From this list it could be food items.

Mr. Brown – In that regard, I think we really need to study this list.

Ms. Stalter – The more variability he has the wider he can go to get that. Because you are here to learn (speaking to the guest Mr. Humphry). One of the things we care about is the Landowner being able to maximize the land usage as well as ensuring the residents/community and what we need to do to protect their general health and safety. Ok so motion for them to do a recommendation and for us to study what has been supplied before we come back.

Mr. McConnell – Do you need any more questions answered or have any additional information on what is being requested to be motioned to Regional Planning?

Ms. Stalter - Exactly what would you like us to motion for this request?

Mr. McConnell - So to submit the proposed zoning to regional planning for their official review.

Mr. Brown – I make motion to send this proposed Re-Zoning discussed in this meeting to Regional Planning for their review with recommendations.

Ms. Stalter – Yes

Mr. Brown – And that recommendation will come back to us?

Ms. Stalter – Yes, they will see it in August so it will come back to us in September. We have homework to do.

Ms. Horton – I second.

Ms. DiGiandomenico – Mr. Brown; yes, Ms. Horton; yes, Ms. Stalter; yes.

Mr. McConnell – Thank you board.

Ms. Stalter – That is it?

Mr. McConnell - Only other thing to consider is meeting minutes from ZC-830 case heard in June.

Mr. Brown – So I was not here, so I will not be able to vote on that.

Mr. McConnell – So now that I am thinking of that, so we will not have a quorum.

Ms. Stalter – So we need a motion to table those meeting notes to the next meeting or do I just say that?

Ms. Horton – Makes a motion to table meeting minutes from ZC-830 of June.

Mr. Brown – I second.

Ms. DiGiandomenico – Mr. Brown; yes, Ms. Horton; yes, Ms. Stalter: yes.

Mr. McConnell – Ok, tabled until next meeting. Anything else we want to discuss?

Ms. Stalter – One other thing I think I have not investigated in a while. Are we all endorsed? Do we need to be looking at our term limits?

Mr. McConnell – Yes, you are all good. Technically you are all to be endorsed. We have not had enough people to do that. When we next have all of our members here, we will do that.

Ms. Stalter – Do we have any alternates? Before we make those decisions as well. What is the plan?

Mr. McConnell – No we do not. We have spoken with one person and interviewed her but have not heard back from her. I also asked Nick Lundy, long time member of the community a Rotarian but have not received any information back from him nor have I yet had anyone come forward to want to be on the board.

Ms. Stalter – So, as we are functioning now are we violating any of our rules when it comes to not having an election of officers?

Mr. McConnell – No. We must do elections once a year, so you could do it in December but not ideal, as you would just end up doing it again in the beginning of the year.

Ms. Stalter – Ok, just wanting to make sure we are following our own rules and abiding by the law

Ms. Horton – So does that make us 4.

Mr. McConnell – Yes

Ms. Stalter – Anything else.

Mr. McConnell – No.

Ms. Stalter – So let us make a motion to adjourn.

Mr. Brown – I make a motion to adjourn.

Ms. Horton – I second.

Ms. DiGiandomenico – Mr. Brown; yes, Ms. Horton; yes, Ms. Stalter; yes

Meeting adjourned at 6:44

APPROVED 9-1-22