



**Berkshire Township Zoning Commission
Regular Meeting Minutes
May 4th, 2023**

Call to Order: Chairman Damita Peery called the meeting to order at 7:00 p.m.

Determination of a Quorum/Roll Call: Members present were Jon Kerr, Damita Perry, Austin Slattery, Andy Kerr, Matt Allen and Philip Pifer (Alternate). Also present were Zoning Inspector David Weade, Legal Counsel Pete Griggs and Meeting Secretary Donielle Owen.

Motion to approve the minutes: A motion to approve the April 6, 2023, Meeting Minutes was made by John Kerr and seconded by Austin Slattery. The motion was approved 4-0.
(Damita Peery abstained as she was not present at the April 6, 2023, meeting).

Next Zoning Commission Meeting: June 1, 2023, at 7:00pm at the Berkshire Township Hall located at 1454 Rome Corners Road, Galena, OH.

Announcements:

This evening's meeting will continue no later than 9:30pm. Any unfinished business will be continued at the next Zoning Commission Meeting on June 1, 2023, at 7:00pm at the Berkshire Township Hall located at 1454 Rome Corners Road, Galena, OH.

Statement of Policy:

As is adopted policy of the Berkshire Township Zoning Commission, all applicants will be granted an opportunity to make their formal presentation. Following the applicant's presentation preliminary questions or points of clarification from the commission will be allowed. The audience will then be granted an opportunity to comment. Each individual will be granted three minutes. We ask that you be brief and to the point. The Chairperson may limit repetitive comments and close public comments after a reasonable time. The commission will ask questions and take action if needed.

The purpose of this policy is to provide orderly discussion of business scheduled for consideration.

Continuance from prior meeting: NONE

New Business:

23-039 Greens of NorthStar

Damita Peery stated that the review of the Zoning Inspection Report is open for discussion.

David Weade addressed the Regional Planning Report: Comments from Regional Planning Review are the following:

Staff Recommendations

Staff recommends Conditional Approval of the development plan amendment request by Chrisgo LLC to the DCRPC, Berkshire Twp. Zoning Commission and Berkshire Twp. Trustees, subject to:

1. *Ensure that any damage to existing drives during initial construction will be repaired by the developer;*
2. *Ensure that the total number of units in this area will not exceed 155;*
3. *All DCEO comments must be addressed prior to Final Engineering and be approved by the DCEO;*
4. *Open space/green space calculation must be updated on all plan sheets and in the development text to be consistent and accurate; and*
5. *Required building setbacks from ROW per Section 21.09 of the Zoning Resolution must be met.*

Joe Looby Planner/Engineer from EMH&T

Joe Looby presented plan boards; Stated that they received letters of approval regarding water/sewer services being available, AEP, Delaware County Engineers Office, Charter Communications for high-speed internet and phone, and support from the Fire Department; Received conditional approval from Regional Planning. He also had an hour-long meeting with David Weade on 5/1/2023 to review items and discuss issues; They are proposing 148 homes not 155. In reference to the SILO-it's his understanding that the SILO will not remain which as a result the walking path has been revised; He also referenced the construction access to the project and stated that it will remain the same.

Andy Kerr questioned the Zoning Code of 2008 and would like confirmation of which Code will be used for this project. David Weade confirmed that if this is defined as a major modification to the original plan then they are using the original plan only with everything locked in. But if this is defined as a new plan then it must fall under the new code that is currently in place.

Andy Kerr asked if this is a modification or new plan. David Weade stated that the decision is based on what the applicant is asking for in regard to modifications/changes.

Andy Kerr asked if they have the original plan and they do not. Pete Griggs stated that normally there is the original plan and then the plan with the modifications. Jon Kerr would also like to have the changes highlighted with the original plan so they can review. Joe Looby stated that they will present the original plan and track all changes and present them at the next meeting for review so the Zoning Commission can see all the modifications to the original plan.

Damita Peery stated that the plan presented is a hybrid plan with different items making it seem like a new plan. She also would like the original plan with tracked changes for review for the next meeting.

Joe Looby requested to receive additional comments from the Zoning Commission in preparation for the next meeting.

Andy Kerr would like the original plan for reference for comparison and then have a more detailed discussion.

Austin Slattery agreed that the original plan is needed to review with changes highlighted; he also referred to the plan showing sidewalks/walking areas in the complex had people walking in the streets; There needs to be sidewalks in the complex and shown on the plan.

Jon Kerr would like to know why in the original plan from 2008 there were 3 ponds and now there are only 2; John Looby stated that the third pond was not functional or needed and was only for aesthetics; One pond is existing, and one is proposed.

Damita Peery asked why the space between the structures has been reduced; Joe Looby stated that it was just added cost and the targeted demographics (of the Owners) would not value the side yards/extra area; the interior space square footage was lessened from 1400 to 1200 square feet and will be discussed in more detail at the next meeting.

Jon Kerr asked how many bedrooms there will be, and Joe Looby stated that there will be a mix of two and three bedrooms which will be more flexible as these are considered custom homes.

Philip Pifer asked what the target demographic would be, and Joe Looby confirmed the target market is age 55 and up.

Jon Kerr asked if they will be supplying the architecture detail (specifically the siding detail)? Chris Cristoff stated that it's the same materials approved in 2008.

Philip Pifer requested specs of materials to be presented at the next meeting.

Joe Looby stated they will work on getting all the proper information for the next Zoning Commission Meeting on June 1, 2023.

Public Participation

Kim Kress: 8795 Letham Drive

Her house borders the SE Corner of the new development and is the rear view of her property is the entire development area. Her concern is the wetland areas. The Engineering Report noted the satellite images have shown substantial growth in that area and she is asking that the Zoning Commission verify that all boundaries are set. Kim Kress would also like to note the density of the area having minimal setbacks and only 12' in between buildings. There's only 8.9 acres to build 94 properties making it very dense and is asking that the Zoning Commission to take all of that into consideration when reviewing the application.

Ron Ernst – The Greens of Northstar Board of Directors *Representing: The Board - Gary Pietrangelo, Pat McClelland; Also representing the following Homeowners: Ronald Meltod, Matt B. Tin, Candy Engel, Dana Hess, Adam Griggs, Katie Griggs, Thelma Millhon, Angelina Wehner, Anne Lane, Rob Smith, Lisa Nash, Pat McClelland, Pam Eckel, Judy Josselyn.*

Per Ron Ernst the Board has density concerns, construction traffic and some additional concerns.

The Builder requested a 10-year extension on the permit to build. The residents have concerns regarding their home values and wanted specific questions answered before granting the request and the questions were not answered by the Builder causing a lack of trust.

The Board asked for some negotiations with the Builder to present to the residents for approval such as: Aesthetics to continue improving property value, timing of the project, how will the financing of the HOA fees be done and repaving of the entire complex by the Builder: Everything presented was rejected by the Builder, Ron stated.

Key points and concerns regarding the following: increased traffic flow, density of the entire community, requesting the completion of Phase 1 with similar units prior to building in Phase 2, requesting aesthetics be matching, lack of trust between builder and HOA Board regarding the HOA coordination, requesting the entire complex be repaved as construction traffic will have wear and tear on existing roadways, property values are a major concern and would like the Zoning Commission to consider all of these items when reviewing the application.

Fred Grunewald – 8773 Birkdale Drive

Fred Grunewald is asking that the materials being used must be pinned down and does not want vinyl siding or stucco on the proposed development.

General Discussion:

David Weade would like to confirm the Greens of Northstar are in a Planned Residential District (PRD); when referring to other areas such as apartments and patio homes that are in the mixed-use development. The development standards cannot be compared as they are in different districts.

Also, there will be a construction entrance off of N. Galena Rd. that needs to be approved. The second emergency entrance was in the original plan from 2008 and was never put in and is just a graded dirt road. There is concern as to when the emergency entrance will need to be put in? Those roads will need to be put in and it needs to be answered.

Pete Griggs stated the details of the HOA are not up to the Zoning Commission to set.

Per Joe Looby the wetland areas of the entire site have been disturbed and they will follow the guidelines and will also be verified as required by the Corp. He also stated the density is fine based on the approved 148 units. He stated that aesthetics should not be a concern as these will be high priced homes and done nicely. He also stated that there will be 2 access points (primary and secondary) for the project.

Matt Quinn – 8690 Pine Lakes Dr.

Matt asked for clarification of the “secondary access” as there is concern that the existing roads will be damaged by the increase of traffic.

Joe Looby stated they will comply with standards set forth by the fire department. The secondary access would only be for emergency usage and not everyday use. The rule states there has to be a secondary access after 30 homes are built and the trigger point is determined by the fire department.

David Weade clarifying multifamily building versus single family – these are attached condos not multi-family.

Kim Kress: 8795 Letham Drive

Kim Kress – at the beginning of the meeting there was confusion regarding whether this a major change to the original application or a new application and who decides? Pete Griggs states the applicant must decide and can do a new plan or a modification.

General Discussion:

Jon Kerr asked if the original plan is a Phase 1 and Phase 2 build out plan? David Weade believes it may have been two different phases but was not certain as the applicant must produce the plan for the Zoning Commission to review and it's their responsibility to provide that information. David Weade confirmed that the plan submittal must be received, by the applicant, on May 16, 2023, to be considered at the June 1, 2023, Zoning Commission Meeting.

Dameta Peery made the motion for continuance of the applicants review at the next Zoning Commission Meeting on June 1, 2023, at 7:00pm located at Berkshire Township located at 1454 Rome Corners Rd., Galena, OH 43021. Jon Kerr seconded. Motion approved 5-0.

New Business:

23-033 Discussion of possible Zoning Resolution Changes

Dave Weade gave the changes to Regional Planning to review, and they said it looks good; there were a few comments for discussion:

- Hotel – There is land clearing currently happening at Africa Road/37 and this is another extended stay hotel-they are not apartments and therefore do not pay any bed tax. This item came up in Regional Planning as they saw the proposal.
- Solar Farms were reviewed and needed to add decibels on sound with the Regional Planning recommendation being 65 decibels. There are minimal sounds in regard to solar panels. Regional Planning asked where this would best fit in the code. Dave Weade made a suggestion-possibly Article 6, Article 7 and there was no language change.
- Multifamily Article 16 and 17; On the last page David Weade referred to Article 17 and will also need to refer to Article 16.

Per Jon Kerr under "Parks & Trail Master Plan" ... should be referenced to Article 16 Section 16.08 (L) not 16.08 (M).

Austin Slattery requested clarification on how large 50 megawatts would be in reference to Solar Panels; Per Pete Griggs his understanding is anything over 50 megawatts is several hundred acres of land and anything over 50 megawatts would then be considered a public utility. The Township has the ability to regulate anything under 50 megawatts.

Jon Kerr asked under Solar Farms "Permitted Uses" why would they only be permitted in specific zoning districts? Per David Weade you would not want a solar farm in the middle of a residential district. In a planned commercial you could have a warehouse or shopping center roof top.

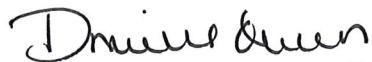
Matt Allen: Will we still separate out the other codes with building measurements and per David Weade he would like to address that for a future discussion as there needs to be more time spent on the specifics and work on the other items that are not as difficult.

Other Business: David Weade notified everyone that Kevin Vaughn's last day of employment with Berkshire Township is May 5th, 2023 - therefore, the office hours will be sporadic/modified.

Adjournment: Motion to adjourn made by Andy Kerr at 8:37 p.m.; seconded by Matt Allen. Motion passed unanimously.



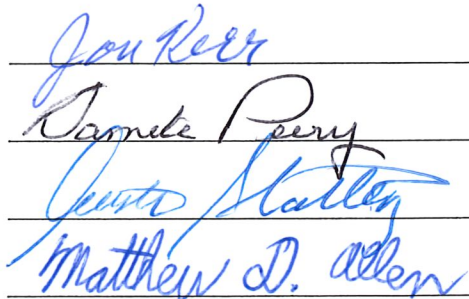
Zoning Inspector



Meeting Secretary

Date

05/11/2023



Zoning Commission Members