The Rootstown Township Zoning Commission met in regular session on Tuesday, November 20, 2018, at 7:00 p.m. at Rootstown Town Hall.

Present: Steve Brown, Chair
        Roger Carpenter, Vice Chair
        Rob Swauger
        Theresa Summers
        Stan Dannemiller
        Pat Gintert, Alternate

Absent:

Also present: Jordan Michael, Secretary
               Mark Tirpak, Zoning Inspector
               Joe Paulus, Trustee

Audience: See attached list

Chair Steve Brown called the meeting to order at 7:02 p.m. and asked everyone to stand for the Pledge of Allegiance.

Stan Dannemiller made a motion to approve the meeting minutes from last month. Theresa Summers seconded the motion. The motion was passed 5-0.

Steve opened the public hearing for the site plan review of the Shur-Co LLC facility. Applicant Mark Leszynski was present. Mr. Leszynski said the proposal is roughly a 32,000 square foot building at the corner of Lynn and John Smith Road. We have an office portion up front and installation bays in the back, car parking and some trailer parking in the back. The company installs custom canopies, tarps on trailers, dump beds. It is a two-story front office space with masonry on the facade on the north and east elevation. We have planted some conifer trees in front of the parking as an extra buffer for headlights, and planted conifer trees along John Smith Road for a barrier.

Rob Swauger asked if they will be east of the billboard. Mr. Leszynski said they are taking the billboard down.
Theresa asked about the additional trees on John Smith Road and across the parking. Mr. Leszynski said they added trees because the calculations showed they were deficient by seven trees. Theresa asked if they were asked to design according to the Rootstown Township Design Guidelines. Zoning Inspector Mark Tirpak said they were not, because it is not in the SR44 corridor. Theresa asked what kind of chemicals they are using, if they are hazardous and if they have discussed with the fire department about potential problems. Mr. Leszynski said he thinks that is for construction purposes. Any inlet protection has to be provided at each basin, and they have to call out for the EPA where they have to do certain things. Theresa asked about the refueling area. Mr. Leszynski said that is for refueling of equipment during construction. There is no fueling station associated with this. Theresa asked about the lighting plan and what kind of lights. Mr. Leszynski showed her where the light fixtures are located and said they are LEDs. Theresa asked if there will be any sort of hazardous waste on the property. Mr. Leszynski said no. There will be office waste in the dumpster. Theresa asked if there would be no goods or stuff stored outside. Mr. Leszynski said no, except for trailers in the back. Theresa asked if they have reviewed with the fire department. Mr. Leszynski said they have had discussions with them. They give their review comments to the county. Theresa asked if the trees are 8 feet and across the whole front, from the parking lot all the way around. Mr. Leszynski said yes, there were large shade trees that they switched to conifers due to concerns about headlights.

Rob asked about catch basins inside the building. Mr. Leszynski said there are none. There are floor drains on the sanitary plan. Anything from the interior cannot go to storm sewers so it goes to sanitary sewer. Rob asked if the basins have to be lined. Mr. Leszynski said no.

Theresa asked about interior parking lot landscaping. Secretary Jordan Michael said they are required to have a certain amount of islands.

Steve asked with the vehicles inside, if they have anything documented for any spills, oil or gas. Mr. Leszynski said that is all handled through the county. Steve asked about the lighting on the sign out front. Mr. Leszynski said there will be ground flood lights on the sign. Theresa asked if they will be LEDs, facing east and west and pointing directly at the sign. Mr. Leszynski said yes. Theresa asked if the dumpster enclosures are brick. Mr. Leszynski said yes. Theresa asked if the 30 parking spaces are for serviceable vehicles. Mr. Leszynski said yes. Mark said our zoning resolution requires that many parking spaces.

Stan asked if the catch basins will be able to handle the rain runoff. Mr. Leszynski said the stormwater system is designed to handle a 100-year rain event.

Roger Carpenter asked why the louvers and the fans are there. Mr. Leszynski said it is for summertime enjoyment and there is also a ventilation requirement per the Ohio Mechanical Code. Roger asked if it is pulling air in or pushing it out. Mr. Leszynski said pushing it out. They are not using chemicals at any threshold that would require special containment.

Theresa asked if they will keep the roads clear during construction. Mr. Leszynski said part of the stormwater protection plan is to have a construction drive entrance that knocks off
that dirt. Theresa asked if there is any security system. Mr. Leszynski said that is not part of his scope. Theresa asked if there are any intercoms. Mr. Leszynski said no. Theresa asked if it is mostly daytime and would just be the LED lights shining down at night. Mr. Leszynski said yes.

Steve asked for comments from the audience. Tony Luketic, 4534 New Milford Road, showed the line that separates the C-2 district from the R-1 district, and the exterior elevation in relation to a 3,200 square-foot house. He pointed out the light fixtures mounted to the exterior. Rob said this board cannot dictate building materials. Mr. Luketic said he thinks the board can dictate whether or not the light shines beyond the property. The footcandles drop off to zero at the property line, but it does not indicate that all lighting used to illuminate loading and parking areas should be so arranged as to direct the light away from adjoining residential districts. This light mounted on the building directs light toward the residential area. Even though the cast of light becomes zero at the corner, you still see the light source. He thinks the code's intent is to put pole lights up and shine light away from the residential property toward the building. He showed pictures of the existing facility in Ravenna and said lots of things are stored outside, lots of raw materials piled up on pallets, lots of scrap material generated, and dumpsters. There is monitoring to be done to make sure the gates stay closed. He asked why they are on the front of the building and not the back. The monument sign with landscaping around it sits in the middle of a retention basin in the front of the building. The grade around the rim of that, in front of that sign, is either 1017 or 1317, and the grade in the retention basin is 1107, so the grade where that sign sits is 6 feet lower than the parking lot. Steve and Roger asked for clarification on the location of the retention basin and the sign. Steve asked Mr. Leszynski if that could possibly be addressed. Mr. Leszynski said yes.

Mr. Luketic said the landscaping around the building shows 48 shrubs but these do not count for the required shrubbery around the building. Roger asked what he means by that. Mr. Luketic said the shrubbery is against the building which does not count. Roger asked if he is saying there are not enough trees or shrubs around the property. Mr. Luketic said there is not. Roger said he feels like we are beating a dead horse here and asked Mr. Luketic how many shrubs and trees he wants. Mr. Luketic said it is not what he wants but what the zoning code requires. Theresa asked Mr. Leszynski if he used the code to calculate the number of trees and shrubs. Mr. Leszynski said yes and if they have to move them away from the building, they will. Rob said they are going with taller and broader trees than what we call for. Ours are 6 foot and theirs are 8 foot. Roger said that is a plus. Mr. Luketic read Section 430.02 and said the lot is 690 feet and 860 feet, adjacent to an R-1 district. Mr. Leszynski said he does not believe it is adjacent to an R-1 district. There is a sliver of land on John Smith Road that is not R-1. Mr. Luketic said that is a fact, there is 20 feet between John Smith and the R-1 district. Roger said we are going with that the book says, so that side does not count. Mark said it is a separate parcel owned by B&O Railroad. They own to the center of the road. Mr. Luketic said he thinks the point of the code is to protect the R-1 district. Roger said it is not connected. You have tried to argue technicalities at all of the meetings. Mr. Luketic said along Lynn Road requires 35 shade trees. We have a total of 12 shade trees and they are not along Lynn Road, they are scattered throughout the property. Mr. Leszynski said we talked about bringing the evergreens in and using those to help
protect the neighbors. Mr. Luketic said that makes 28 shade trees. Mark said the neighbors across the street that have concerns about headlights, and not somebody that lives a half mile away, should have some input. They attempted to do the right thing by blocking some of the headlights to help that. If he is aggrieved by it, and they are trying to do everything possible to block headlights to help the neighbors that are actually aggrieved, then they should be the ones speaking on it. If they want shade trees, they can have shade trees but they would lose their privacy. Mr. Luketic said screening is required across the street from a residential use. Rob said he thinks they would comply with that. They are 8-foot conifers on John Smith and in front of the parking spaces. Mr. Luketic said we were replacing shade trees with evergreens and asked if they can be used for the same purpose. There is supposed to be fencing around loading areas and equipment shall be screened. We have 36 parking spaces for tractor trailer rigs which could be considered equipment. Mr. Leszynski asked if they are considered equipment. Mr. Luketic said he does not know, it is up to the board.

Tom Nader, 4705 Lynn Road, said he is directly across the street from the proposed site and has a few concerns. He asked if the catch basin is not similar to a swimming pool. Mr. Leszynski said it is a dry basin, not a wet basin. Mr. Nader said it will collect water and drain slowly. Mr. Leszynski said so will a ditch. Mr. Nader said his house sits 20 feet from the road so he is concerned about the lighting and the exhaust fans, and asked where they are pointing. He is also concerned about trailers that are not brand new. There is the potential that there could have been some hazardous material hauled in those trailers, and they do not necessarily have to have a placard. Most people in Rootstown have wells so it could affect someone’s groundwater or other surface water. Up until now, nobody has considered the residents on Lynn Road. He asked the board to take the residents of Lynn Road into consideration. Roger said the township did a Comprehensive Land Use Plan, which is when this road was decided for that type of business. They have changed the zoning down that road so it could be a place where people could build a business and a house. No one has said a word about what we are doing. Steve said we do everything under the Ohio Revised Code to notify everybody about any changes, whether it requires a letter or the website or the newspaper. We cannot broadcast on every forum, there is a little bit of give and take. Roger asked Mr. Nader what he would like them to consider. Mr. Nader said the lighting, exhaust and the water, and asked why Rootstown cannot be more stringent. Rob said if we were a village or a city we could be. Mr. Nader asked if anyone knows what utilities are being brought down the road. Rob said there is gas coming and sanitary sewer. Mr. Nader asked if the gas is coming from 44. Rob said he assumes so. Mr. Leszynski said it ends at the edge of the property going all the way to John Smith. The street project and the sewer project have different agencies involved and he cannot speak to those.

Wylie Fletcher, 4687 Lynn Road, said he lives next door to Mr. Nader. He does not figure we are going to stop this and he attended the meetings 20 years ago where they changed the zoning. We are sparsely populated down there and it is probably just the friction that you have when you have something that we probably knew was going to come someday. We saw wheat and soybeans and corn and now we are going to see a building. We are just starved for information. There is only 3 or 4 of us that this would affect, and a little
information would have gone a long way at the beginning. We will be as good neighbors to them as they will hopefully be to us. He would just as soon not have to rake leaves, so the evergreens across the street are good with him.

Theresa asked Mr. Leszynski which agencies would address the exhaust and environmental concerns. Mr. Nader said he does not know the elevation of the fans and which way they are pointing. Things happen to exhaust fans over time. Who would he call on a Sunday afternoon when that fan is squeaking or the belt is about to break. Mr. Leszynski said there are no louvers or exhaust fans on that side. There is one louver on the east side and two fans on the west side.

Roger said the sign will have to be moved out of the water and the light cannot hit Mr. Nader’s place. He asked how high the sign is. Mr. Leszynski said 5’6”. He can set the lights pointing back towards the building.

Steve said we talked about the shade trees as well. We’ve got the lights addressed and talked about the exhaust fans. They’re not on that side. We are regulated by the county for the catch basins. The only thing would be the trailers and as long as we’re up to the rules and regulations for the county, all we can do is ask the questions of the EPA and get those minimum requirements. Mr. Nader asked if those questions are asked when it goes to the county. Mark said the county addresses all of it. Steve said he can send a note to Regional Planning and the Prosecutor in regard to that question about the residue in trailers that have been used before. That leaves the evergreens versus the shade trees. Stan said the advantage of evergreens is that they block the view all year.

Rob made a motion to send these documents to the zoning inspector for final review and compliance with lighting, trees, and screenings. Stan seconded the motion. A vote was taken as follows: Stan—yes, Rob—yes, Theresa—yes, Roger—yes, Steve—yes. The motion was passed 5-0. Mr. Leszynski said he will re-submit a lighting plan. The public hearing was closed.

Steve opened the public hearing at 8:22 for proposed Zoning Amendment #2018-009, Section 150.02 B and 310.09 F. (See end of minutes for proposed amendments.) Stan said the new definition meets that of the Ohio Revised Code. Theresa said regarding the parking or storage of recreational vehicles and trailers, we already went through this before but it was sent back. We changed a few things and made sure we specified how many on 5 acres. We had it in the book and it was kind of unenforceable. It was too stringent and they found too many people in violation. We gave some examples and they went to an area to see how many people would be non-compliant with the new zoning, and it dropped significantly. That told us that was a happy middle. We sent it to the trustees and they had some more questions, one of them being we did not specify if you had more than 5 acres; it was kind of open-ended. We cleared that up and it was sent back to decide if this one is more appropriate.
Mr. Nader asked what did they close that was open-ended. Roger and Theresa showed Mr. Nader the existing section and the proposed changes. Mr. Nader asked if it is residential only or township-wide. Mark said this is residential.

Joe Gadd said he is in violation and is embarrassed by it. He has trailers that are unlicensed and cannot afford to license them all. They never go off the property and there is no reason other than the Zoning Resolution, which he respects, to license them. He would like them to consider deleting the license requirement for trailers that never leave the property. He uses them for drying seeds, frost protection, restoring plantings, and he never takes them on the road. There is no reason to pay that money for licensing, and there may be other residents that have the same situation. He thinks the license and registration requirement is inappropriate for this and would like them to delete it. Rob said he thinks those would fall under agricultural. Mark said Mr. Gadd has some semi trailers and a station wagon that are used to grow seeds, like a greenhouse. Technically that falls under a junk motor vehicle. We have been working with him. Steve said we put that yard trailers 300 pounds or less are exempt from this requirement, and farm machinery is exempt as well.

Theresa made a motion on Section 150.02B, definitions, and Section 310.09 F, parking or storage of recreational vehicles and trailers, to be approved as written and submitted to the Trustees for their consideration. Rob seconded the motion. Trustee Joe Paulus asked if the farm machinery went to Regional Planning already. Jordan said yes, they recommended that we complete the Ohio Revised Code definition. A vote was taken as follows: Stan-yes, Rob-yes, Theresa-yes, Roger-no, Steve-yes. The motion was passed 4-1. Steve closed the public hearing at 8:32.

Feedback was received from Regional Planning and the Prosecutor on amendments that were worked on last month. Theresa and Roger explained the proposed amendments to the audience (attached/detached garages, height requirements, and definitions for motorized vehicle service/repair). Jordan said feedback was not received from the fire department on the height requirements.

Rob made a motion to set a public hearing for our next regular meeting on December 18th, to include Sections 310.08C, 350.07A, 370.06A, 150.02B, and 350.03E. Stan seconded the motion. All were in favor and the motion was passed 5-0.

Jordan said the Park Commission wants feedback on making a zoning district specifically for the park and any future park land. What they came up with is based on existing language either from Rootstown or another township. Theresa asked if for-profit parks would be included or could it be restricted to not-for-profit. Rob asked about selling food from the buildings which is illegal with the health department. Joe said it would be their responsibility for getting health certificates but that is something we will have to consider legally. Theresa suggested adding something about not-for-profit or removing the word "privately owned". Pat Gintert said some things could be park regulations rather than zoning regulations. Stan asked if we want it to be its own district or limit it. Pat said some of the townships do overlay districts for their parks.
Rob made a motion to adjourn the meeting. Theresa seconded the motion. The motion was passed 4-1 and the meeting was adjourned at 9:12 p.m.

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Steve Brown, Chair
Rootstown Township Zoning Commission
Section 150.02 B – Definitions

Proposed New Definition:

FARM MACHINERY: All machines and tools that are used in the production, harvesting, and care of farm products, and includes trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, agricultural tractors, threshing machinery, hay-baling machinery, corn shellers, hammermills, and machinery used in the production of horticultural, agricultural, and vegetable products.

Section 310.09 F – Parking or Storage of Recreational Vehicles and Trailers

Section 310.09 F Existing:

Parking or Storage of Recreational Vehicles and Trailers. In addition to the location requirements of Schedule 310.09B, any recreational vehicle or trailer shall be either stored wholly within a garage or outdoors in compliance with the following regulations.

1. The number of recreational vehicles and trailers stored outdoors shall not exceed the following number based on lot size:
   a. On lots less than one acre, not more than one recreational vehicle or trailer may be stored outdoors.
   b. On lots one to two acres, not more than three recreational vehicles or trailers may be stored outdoors.
   c. On lots greater than two acres, not more than four recreational vehicles or trailers may be stored outdoors.

2. Outdoor storage shall be permitted only in the rear yard and side yard on a paved or gravel surface. The recreational vehicle or trailer shall not protrude beyond the front of the dwelling and must comply with rear and side setback requirements.

3. Recreational vehicles and trailers shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source for more than 48 hours.

4. Any recreational vehicle or trailer stored outdoors shall be maintained in an operating condition and shall bear a valid license.

5. A recreational vehicle or trailer may be parked in a driveway for loading or unloading purposes for a period not to exceed 48 hours in any seven-day period.
Section 310.09 F Proposed (shown in bold):
Parking or Storage of Recreational Vehicles and Trailers. In addition to the location requirements of Schedule 310.09B, any recreational vehicle or trailer shall be either stored wholly within a garage or outdoors in compliance with the following regulations.

1. The number of recreational vehicles and trailers stored outdoors shall not exceed the following number based on lot size:
   a. On lots less than 0.75 acres, not more than two recreational vehicles or trailers may be stored outdoors.
   b. On lots 0.75 to two acres, not more than three recreational vehicles or trailers may be stored outdoors.
   c. On lots two to five acres, not more than four recreational vehicles or trailers may be stored outdoors.
   d. On lots greater than five acres, not more than one recreational vehicle or trailer per acre may be stored outdoors.

2. Outdoor storage shall be permitted in the rear yard, side yard, or driveway. The recreational vehicle or trailer must comply with rear and side setback requirements when not on a driveway. Parking is not permitted in the front yard, except on the driveway out of the right-of-way.

3. Recreational vehicles and trailers shall not be used as a dwelling, office, or other business structure, or for storage of any material, and shall have no connections to any electric, telephone, water, sewer, gas, or fuel source for more than 48 hours.

4. Any recreational vehicle or trailer stored outdoors shall be maintained in an operating condition and shall bear a valid license. Yard trailers less than 300 pounds are exempt from this requirement. Farm machinery is exempt from this requirement.

5. A recreational vehicle or trailer may be parked in a driveway for loading or unloading purposes for a period not to exceed 48 hours in any seven-day period. Parking or storage of a recreational vehicle or trailer, that is not registered or licensed to a current resident of the parcel in which the recreational vehicle or trailer is located, shall not exceed 30 days.