

2023 ZC Minutes

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January 25, 2023

The Perry Township Zoning Commission held a regular meeting on January 25, 2023. Mark Welch, Chris Corfias, Tom Barrett, and Nick Giegerich were in attendance. George Smerigan and Pat Freeman also attended. Thomas Trivisonno brought representatives from Hovnanian Homes. There were no other residents in attendance.

The first item of business was to elect a board chairman and vice chairman to serve for the 2023 calendar year. The floor was open for nominations and Nick Giegerich nominated Mark Welch as chairman and Chris Corfias as vice chairman. Tom Barrett seconded the nomination. As there were no other nominations, Chris Corfias moved to close the nominations and call for a vote. The motion was seconded by Nick Giegerich. Poll of the board: 4 ayes. Motion Unanimous. The board voted to retain Mark Welch as chairman and Chris Corfias as vice chairman for 2023. Poll of the board: 4 ayes. Motion Unanimous.

Next, the board reviewed the June 15, 2022 meeting minutes. Chris Corfias made a motion to accept the minutes as written. Nick Giegerich seconded the motion. Motion Passed. Poll of the board: 3 ayes. 1 abstain (Tom Barrett)

The board discussed the proposed Creekwood Crossing PUD overlay for Lane Rd. as submitted by Thomas Trivisonno. Nick Giegerich made a motion to schedule a public hearing for March 1, 2023 at 6:00 p.m. and forward the development proposal package to the Lake County Planning Commission with a request for comment. The motion was seconded by Tom Barrett. Motion Passed. Poll of the board: 3 ayes. 1 abstain (Chris Corfias)

There being no further business, Chris Corfias made a motion to adjourn the meeting. The motion was seconded by Tom Barrett and passed by unanimous decision. Poll of the board: 4 Ayes. Motion Unanimous.

March 01, 2023

The Perry Township Zoning Board held a regular meeting on March 01, 2023. Chairman Mark Welch, Vice Chairman Chris Corfias, Randy Vermilya, Tom Barrett and Nick Giegerich attended the meeting. George Smerigan, Township Trustee Rick Amos, Zoning Inspector Pat Freeman and Township Administrator Karen Sundy were also in attendance. Representatives of Contract Consultants as listed on the attendance sheet were also at the meeting.

The public hearing was called to order and Chairman Welch read the Lake County Planning Commission's response to a request for comment on the proposed zoning change. Thomas Trivisonno of Contract Consultants was delayed so his attorney, Brynic Matheny spoke on his behalf. She said that to encourage the zoning to PD there would be 40% of the property left as green space and that almost all of the designated wetland areas would not be impacted by the development. She stated that the proposed setback of the development supported any future widening of Lane Rd. and that the developers proposed 44 lots which is less than maximum allowed if the rezoning was approved.

The floor was opened for public input. Residents had several concerns about the proposed development:

Mark Gilson stated his opinion that the board should vote no on the proposal for the following reasons:

- It contrasts with our Comprehensive Plan. The Lane Rd corridor is an important part of Perry's future growth as it is currently zoned (light industrial).
- Cost of services: he stated that agricultural activity costs the community \$0.30 for every dollar coming into the community. He said that industrial use is about the same amount, but housing/residential is about \$1.40 cost for every dollar of tax collected from it.
- Increase in traffic.
- Many questions still abound surrounding the building and upkeep of the sewage packaging plant, as well as the impact on surrounding properties.

Toni Kramer spoke about protecting the aesthetic that makes Perry special and protecting our schools from overcrowding.

Jim Kline asked Mr. Trivisonno who would have ownership and responsibility of the treatment plant once the development was complete, and the plant was functioning. Mr. Trivisonno said that the plant would be built by Contract Consultants and be owned by a public company and be regulated by the PUCO. He said that the construction of the sewage treatment plant would be financed by the sale of the lots in the development and the maintenance would be financed by a monthly HOA fee paid by each homeowner. Mr. Trivisonno said that Contract Consultants would sell the sewage packaging plant to a public company for \$1.00. When pressed by several community members, Mr. Trivisonno admitted that he, in fact, would be the owner of the publicly registered company.

Phil Haskell asked if there was a similar plant in operation in Lake County and Mr. Trivisonno said that the Heatherstone treatment station was similar. Phil Haskell remembered the Heatherstone treatment station "being a mess" before it was taken over by the Lake County

Water and Sewer District. Mr. Haskell also commented that consideration for the loss of light industrial property is important. He noted that, of the different types of zoning, residential is the most expensive to service and that the Township needed to consider the impact of such a development on the school system.

Most of the residents attending the meeting were there because they were very concerned about the impact a dense housing development would have on the water tables and runoff onto their properties. They were also very concerned about what would happen if the sewage packaging plant failed, and excess discharge was emptied into Red Creek. Many people, who already have water issues with their properties fear that their property would become even more wet and never dry out. Other community members questioned the environmental impact of the runoff from all the homes in the proposed densely populated community. How would the runoff affect the farms surrounding the development? Other members of the audience expressed their displeasure of the quality of homes being built by K Hovanian Homes in the new development at the corner of Main St, and Rt. 84. Many people felt that the development would be detrimental to the school system. Mark Wolman, who is a Perry resident and a realtor, commented that the type of housing proposed appeals mostly to young families. He noted that Perry Schools are recognized for the small class size and the tenure of teachers. He said that when this balance is put at risk, everyone's property values will be impacted.

George Smerigan explained to the audience that the board does not have jurisdiction to decide whether the packaging plant can be built. That is the jurisdiction of the Lake County Utilities Department and they have already approved it. The packaging plant is an entirely different issue than the PUD overlay.

There being no further business, Chris Corfias made a motion to adjourn the public hearing. The motion was seconded by Thomas Barrett and passed by unanimous decision. POLL OF BOARD: 5 Ayes. Motion Unanimous.

After a brief intermission, Chairman Welch called the regular meeting to order. The first item of business was to approve the January 25, 2023 meeting minutes. Vice Chairman Corfias moved to accept the minutes as written and Thomas Barrett seconded the motion. POLL OF BOARD: 4 Ayes. Motion Passed. Randy Vermilya abstained from voting.

Nick Giegerich wanted to know if the packaging plant water was discharged directly into the creek. Mr. Trivisonno said that he is designing a 3-to-4-foot head on the ponds before they overflow into the creek. Nick Giegerich asked the cost to build the plant and Mr. Trivisonno estimated the cost to be \$700,000. To \$800,000. Nick Giegerich asked what happens if it fails and Mr. Trivisonno said that HOA will never have control of the plant; the plant will be owned by a Public Utility approved business. Mr. Trivisonno said the plant will be run by a part-time class 2 operator employed by the corporation that owns it.

Chris Corfias told Mr. Trivisonno that when he votes on the issue, he looks at whether it supports our Comprehensive Plan:

- Preserve the agricultural economy? No

- Protect trees and open space? No
- Is there a part of this plan that makes it special? No-same single-family homes on smaller lots. It does not offer diversity of use-only single-family homes on much smaller plats of land.
- Is it an acceptable balance of land use? In his opinion, no. Mr. Corfias said that he could not see a benefit to the community to make this change.
- Does it expand and diversify the tax base? It has already been noted several times in the Public Hearing that this type of land use is the most expensive type for Perry, bringing in less taxes that it takes.
- Connectivity-A walking or bike trail? There is nothing noted on the plan.

Mr. Trivisonno said that he disagreed with the Lake County Planning Commission's response that we should turn down the request for rezoning because he didn't comply with current zoning or our Comprehensive Plan because the current zoning of this piece of property is residential. He also said that the packaging plant has been approved and can be built on the Janos property whether the SFPUD is approved or not.

Randy Vermilya said that the property is the last piece of property on Lane that is zoned light industrial and noted that there is not the needed infrastructure to develop it right now. He also noted that the semi-rural feel of Perry is what attracts people to live here.

Chairman Welch believes that we need to hold the course on the comprehensive plan. We should maintain a balance of uses.

George Smerigan noted that residential use has less impact on traffic than industrial uses.

Tom Trivisonno said that he reached out to the PUCO after our last meeting to see if the water treatment plant could ever be converted to a public utility, and he was told it could possibly become public. George Smerigan said it could be a long-term benefit to the township and lead to additional development.

Chris Corfias made a motion to recommend that Perry Township Trustees consider a zoning change for parcels #03-A-004-0-00-001-0; 002-0; 003-0; 004-0 and 035-0 (located on Lane Rd.) containing 93.143 acres that is presently zones R-1 (Residential District) to SFPUD (Single Family Planned Unit Development).

Randy Vermilya seconded the motion. POLL OF BOARD: 1 Aye/4Nays.

There being no further business, Chris Corfias made a motion to adjourn. The motion was seconded by Randy Vermilya and passed by unanimous decision. POLL OF BOARD: 4 Ayes. Motion Unanimous.

Respectfully Submitted,

Laura Stegman, secretary

Mark Welch, chairman of the board