

2022 ZC Minutes

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FEBRUARY 9, 2022

The Perry Township Zoning Board held a regular meeting on February 9, 2022. Chairman Mark Welch, Vice Chairman Chris Corfias, and Tom Barrett attended the meeting. George Smerigan, Township Trustee Rick Amos 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 meeting was called to order and Vice Chairman Chris Corfias made a motion to enter the minutes into record as written. The motion was seconded by Tom Barrett. POLL OF BOARD: 3 Ayes. Motion Unanimous.

The next item of business was to elect officers for 2022. Chris Corfias nominated Mark Welch to remain as chairman and the nomination was seconded by Tom Barrett. Tom Barrett nominated Chris Corfias to remain as vice chairman and the nomination was seconded by Mark Welch. Tom Barrett made a motion to close nominations and take a vote to retain Mark Welch as chairman and Chris Corfias as vice chairman, the motion was seconded by Chris Corfias.

POLL OF BOARD: 3 Ayes. Motion Unanimous.

Next, the board heard a presentation by Thomas Trivisonno of Contract Consultants for a residential subdivision at the Janos property on Lane Rd. Plans for the proposed Creekside Crossing had been delivered to the board members prior to the meeting. George Smerigan asked if the storm water management ponds in the plan would be for this development only or if surrounding properties would also have access. Mr. Trivisonno said that they were for the proposed development.

George Smerigan asked who would own and operate the proposed water treatment plant. Mr. Trivisonno replied that his company would manage it for the first five years and then it would be turned over to the homeowner's association. He said that a class two operator would manage the plant. Tom Barrett asked what the architectural look of the plant would be. Mr. Trivisonno replied that it would look like one of the houses with a pitch roof. He said that they anticipated 400 gallons per day of wastewater being managed at the treatment plant. Mr. Trivisonno also said that his company would have money earmarked for any repairs or supplies need to run the plant until a contingency of funds had been built up by the homeowner's association.

George Smerigan questioned what the timeline for starting the project was, if it were to be approved and Mr. Trivisonno answered approximately 90 days. Rick Amos asked if the initial phase was all on the Janos property and Mr. Trivisonno replied yes. Chris Corfias expressed his concern that green space in a PUD is supposed to buffer the development from view, but the Creekside Crossing plan pushes the development towards the road. Tom Barrett expressed concern about the added traffic on Lane Rd.

Kay Hovanian Homes would be the builder for the proposed development, and they would like to have a variance to offer a 1400 square foot ranch home. There would be a minimum of four models of homes and as many as six different models.

Rick Amos expressed concern that, if the development were to be approved, the township would be losing industrial zoned property that is not easily replaced. Mark Welch noted that the development is not in line with the township's comprehensive plan.

Tom Barrett made a motion to send the packet for Creekside Crossing to the Lake County Planning Commission and ask for it's input. The motion was seconded by Mark Welch. POLL OF BOARD: 2 Ayes/1 Nay. Motion passed.

The board set a regular meeting for March 2 at 6:00 p.m. so that the absent board members could discuss the matter and share their comments and concerns to the board and Contract Consultants representatives before a public hearing was scheduled.

There being no further business, Chris Corfias made a motion to adjourn. The motion was seconded by Tom Barrett. POLL OF BOARD: 3 Ayes. Motion Unanimous.

MARCH 2, 2022

The Perry Township Zoning Board held a regular meeting on March 2, 2022. Chairman Mark Welch, Vice Chairman Chris Corfias, Randy Vermilya, Nick Giegerich and Tom Barrett 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 meeting was called to order and Tom Barrett made a motion to enter the February 9, 2022 minutes into record as written. The motion was seconded by Nick Giegerich. POLL OF BOARD: 2 Ayes & 2 abstain.

Next, Chairman Welch set the date of the Public Hearing for Wednesday, March 30th at 6:00pm.

The board heard a presentation by Thomas Trivisonno of Contract Consultants for a residential subdivision at the Janos property on Lane Rd. Mr Trivisonno said that he believed that rezoning from light industrial to residential was in the best interest of the property owners as there has been no interest in developing the property for industrial purposes since the 1950s. Thomas Trivisonno said that the proposed waste water treatment plant is able to handle the effluence of 175 homes. He said that the license was issued as a private operator, but the county could go back to the PUCO to apply to become public. George Smerigan asked if the plant is expandable. Mr. Trivisonno said that is expanded to handle 175 homes. George Smerigan asked if it could handle light industrial waste. Mr. Trivisonno said that it would have to be decided by the EPA.

Chairman Welch asked if any of the lots were in the wetland areas. Mr. Trivisonno said that there are a few lots that have the back corners in wetland areas.

Vice Chairman Corfias asked Mr. Trivisonno if he did a phase two investigation regarding waste from the junk yard. Mr. Trivisonno said that they had and it had been ok'd and that the effluent drained away from the proposed development.

George Smerigan remarked that HOAs historically don't do well over time, saying that most start out fine but deteriorate over time. Mr Trivisonno said that before the plant was handed over to the HOA, there would be a list of regulations that the homeowners would have to commit to, including having a reserve of \$100,000. to cover any unforeseen maintenance issues. George Smerigan commented that there will be a homeowner's fee of \$70.00 a month per lot to maintain the unit and to maintain the reserve. This includes the wages for a class B operator and a second laborer, estimated to be \$60,000 per year. Mr. Trivisonno confirmed that every single unit must be sold before the management of the waste water treatment facility is turned over to the HOA. Chairman Welch asked if the package plant emptied straight into a stream or if there would be a retention pond. Mr. Trivisonno said that it empties directly to a stream. He said that it has a UV filter as the last filtration step.

Mr. Trivisonno said the PUD proposes public streets, but that his company is willing to make them private if the board deemed that in the best interest of the community.

The board reviewed the proposed housing plans. The developers said that

they imagine the development as being a community of young families with some ranch houses for that also appeal to older adults.

There being no further business, Chris Corfias made a motion to adjourn. The motion was seconded by Tom Barrett. POLL OF BOARD: 5 Ayes. Motion Unanimous.

MARCH 30, 2022

The Perry Township Zoning Board held a regular meeting on March 30, 2022. Chairman Mark Welch, Vice Chairman Chris Corfias, Randy Vermilya, 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 presented his proposal for a residential subdivision at the Janos property on Lane Rd. Mr Trivisonno said that he believed that rezoning from light industrial to residential was in the best interest of the property owners as there has been no interest in developing the property for industrial purposes since the 1950s. Thomas Trivisonno said that the proposed wastewater treatment plant is able to handle the effluence of 175 homes. He said that the license was issued as a private operator by the PUCO.

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

- Some, like Carl Losely were worried about more off-road vehicles tearing across their properties in destructive and unsafe manners. Dan Stiger, a representative of Kay Hovnanian Homes, said that the development was going to be marketed to older individuals and that there would be only a very small chance of the development adding to that problem.
- Jim Kline asked if there were any plans of modifying Lane Rd. if the development were to be approved. Thomas Trivisonno answered that a traffic study had been commissioned and that it concluded that there would be no real impact on traffic. Several residents expressed their distrust of the study and found it incredulous that 70 additional homes using Lane Rd. as the only access out of the neighborhood would have no impact on traffic.

- John Bocamp asked for more information on the treatment plant. Would the plant be contained or open and would there be any smell from it? Mr. Trivisonno said the treatment plant was completely contained and housed in an architecturally pleasing building that would blend in with the houses in the PUD. He said it is designed with the most up-to-date technology and there would be no smell from the building. Several residents expressed concern that the township would eventually inherit the burden and expense of operating and maintaining the treatment plant. Mr. Trivisonno said that, as part of the licensing, he must keep a deposit of \$100,000. to maintain the plant.
- 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 expressed concern that the zoning board spent a long time and put a lot of thought into Perry Township's comprehensive plan and 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. Mark Gilson said that for every \$1.00 received from residential development, the average cost output in government services is \$1.40, whereas for every \$1.00 received in agricultural development only .40 is spent in government services. Many residents like Ben VonLumden had concerns about the impact of 70 more families (and possibly as many as 175) on police, fire and our schools and felt that it was important to stick with our comprehensive plan.
- A majority 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. The Janos property has wetlands areas and several homeowners already have water issues in the back of their property. They are concerned that dense development would adversely affect this situation. Terry Mann lives on Bristol and said that his property is already almost always wet in the back. He is concerned that any more runoff will cause flooding. Margie Yankie, who owns a small nursery on Lane Rd, is concerned that runoff from the development will affect her orchard and other community members expressed concern about the environmental impact on Red Creek.

Joan (Janos) James of Concord and George Janos spoke to the residents. Mrs. James pointed out that, at some point, the land was zoned residential and the zoning was changed to light industrial. She also said there has been no interest shown to develop the land for an industrial use. Mr. Janos said that he has lived in Perry his whole life and that he truly felt that the development would be positive for Perry. He said the land is too wet to farm and there are many hurdles to develop it for industrial use. He said that he truly believes that the plan for development would help alleviate some of the drainage issues in the area and the proposed development would be 100% improvement of its current status.

Trustee Rick Amos explained that the proposal came to the board over a year ago and that this is the third meeting in recent months that the board has had on the subject. He said that Mr. Trivisonno has been receptive to concerns that have been raised and tried to answer them. He reminded the audience that there could eventually be an industrial plant or complex there and it would be within the zoning regulations. He explained that after the meeting, the board will convene to a regular meeting to vote on the issue. The issue is then passed to the township trustees, who will do their own due diligence. This will include another public hearing before the issue is decided.

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

After a brief intermission, Chairman Welch called the regular meeting to order. The first item of business was to approve the March 2, 2022 meeting minutes. Vice Chairman Corfias moved to accept the minutes as written and Nick Giegerich seconded the motion. POLL OF BOARD: 4 Ayes. Motion Unanimous.

Next, Chairman Welch asked for a motion to recommend plat approval to the township trustees for the amended Azalea Ridge PUD. Nick Giegerich made the motion and Vice Chairman Corfias seconded. POLL OF BOARD: 4 Ayes. Motion Unanimous.

The board discussed the zoning change for the Janos property. Chris Corfias noted that the owners of the property have a right to develop their property and are asking the board for permission to change the zoning use. He said that when considering the change, the use does not check all the boxes for him:

- 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.
- Is it an acceptable balance of land use? In his opinion, no.

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.

Randy Vermilya suggested adjourning for additional consideration for thirty days, but the board decided that it was most respectful to Thomas Trivisonno and Contract Consultants to give him an up or down vote now so that he can work on moving forward. Chris Corfias made a motion to recommend the zoning change from I1 to SFPUD as presented. The motion was seconded by Randy Vermilya. POLL OF BOARD: 1 Ayes and 3 Nays. Motion Declined.

The next item of business was to set a public hearing for the zoning change request from Greg VanDeweel for property at 3537 North Ridge Rd. Nick Geigerich made a motion to send a request for comment to the Lake County Planning Commission and to set a public hearing for a zoning change from B2 to B1 at 3537 North Ridge Rd. for May 11, 2022. Chris Corfias seconded the motion. POLL OF BOARD: 4 Ayes. Motion Unanimous.

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

Approved on 1/25/2023

JUNE 16, 2022

The Perry Township Zoning Board held a public hearing immediately followed by a regular meeting on June 15, 2022. Chairman Mark Welch, Vice Chairman Chris Corfias, and Nick Giegerich attended the meeting. Township Trustee Rick Amos and Township Administrator Karen Sundy were also in attendance, as was Mr. Greg VanDeweel.

The public hearing was called to order and Chairman Welch read the Lake County Planning Commission's response. Mr. VanDeweel introduced himself to the board and talked about his intentions for the property.

There being no other public input, Vice Chairman Chris Corfias made a motion to close the public hearing portion of the meeting. The motion was seconded by Nick Giegerich and passed unanimously.

Chris Corfias made a motion to accept the March 30, 2022 meeting minutes. The motion was seconded by Nick Giegerich. POLL OF BOARD: 3 Ayes. Motion Unanimous.

Nick Giegerich made a motion to change the zoning district for 3537 North Ridge Rd, Perry, OH 44081 from B2 to B1 to allow the owner to use the building structure on the property as a residence. The motion was seconded by Chris Corfias. POLL OF BOARD: 3 Ayes. Motion Unanimous.

There being no further business, Chris Corfias made a motion to adjourn. The motion was seconded by Nick Giegerich. POLL OF BOARD: 3 Ayes. Motion Unanimous.

Approved on 6/15/2022