

TROY TOWNSHIP ZONING COMMISSION

13950 Main Market Road, Burton, OH 44021

440.834.8614

www.troytwpgeauga.com

MEETING MINUTES

Date: January 5, 2023

Time: 7:00 P.M

Location: Troy Township Community House

Purpose: Regular Meeting

CALL TO ORDER

Chairperson Reeves called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

ROLL CALL

Members Present: Jeannine Reeves, Roger Kwiatkowski, Henry Shrock, Art Kvacek, Joseph Mayoros, and the Zoning Secretary Lisa Murphy.

Members Absent: None

Alternate(s) in Attendance: Joyce Kvacek

Visitors: See Exhibit A

Chairperson Reeves advised that the board needs to elect a Chairman and Co-Chairman for 2023.

Chairman:

Joe Mayoros nominated Jeannine Reeves for Chairman. Roger Kwiatkowski seconded said motion. Joe Mayoros: yes, Art Kvacek: yes, Henry Shrock: yes, Roger Kwiatkowski: yes, Jeannine Reeves: yes. Jeannine Reeves accepted. All in favor.

Co-Chairman:

Joe Mayoros nominated Roger Kwiatkowski for Co-Chairman. Jeannine Reeves seconded said motion. Joe Mayoros: yes, Art Kvacek: yes, Henry Shrock: yes, Roger Kwiatkowski: yes, Jeannine Reeves: yes. Roger Kwiatkowski accepted. All in favor.

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REVIEW AND APPROVAL OF MINUTES

Chairperson Reeves asked the board members if they read the minutes from the December 1, 2022 zoning commission meeting and if they found anything that needs to be corrected. Joe Mayoros said under the noise ordinance section where it says "Auburn Tavern" needs to be changed to "Patio". Lisa Murphy made that correction. There were no other corrections. Chairperson Reeves asked for a motion to approve minutes as corrected. Roger Kwiatkowski motioned to approve minutes as corrected. Henry Shrock second said motion. All in favor.

BZA UPDATE

Lisa Murphy advised that the area variance regarding front yard setback was determined not a needed variance and was dismissed. The BZA denied the use variance for the addition of the in-law suit. The approval for the meeting minutes is scheduled for Monday, January 9, 2023. Chairperson Reeves asked why it was denied. Lisa Murphy and Henry Shrock explained the situation and what things factored into it being denied.

TROY TOWNSHIP NEWSLETTER

Lisa Murphy advised Part 1 of the 6-part series was submitted to be published in the January/February edition. Part 2 will be submitted in February to be published in the March/April edition. Lisa Murphy stated that she needs to know at the February ZC meeting if there is other information that needs to go into the newsletter.

Chairperson Reeves asked board if they have anything else to put in. Roger Kwiatkowski mentioned that at the Trustee's were thinking about doing away with the newsletter or possibly put the newsletter on the website due to how much it costs to publish it.

Chairperson Reeves asked Ken Zwolinski if we have an active chamber. Ken Zwolinski replied no. He explained that the money the chamber uses to pay for half of the newsletter is from when the chamber held bingo games. Last he remembered, way back when, is that there was \$50,000 that was raised by that bingo. They used it for the homecoming and we are still trying to use it up because he believes when the chamber resolves any money left would go to the park. He does not know how much money is left that is an Enos Detweiler question as he is the bookkeeper. Chairperson asked where they held bingo and Ken Zwolinski said bingo was at the Community House. Chairperson Reeves said that would be fun to do it again. Ken Zwolinski said it was always a good time. They played it at the Christmas parties too. It is a hard thing to keep going because that generation is getting old and the newer generation does not want to step

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up to the bat. Trying to get young people is tough and referenced to Henry Shrock and how tough it is for him to get the Amish more involved.

Henry Shrock agreed and said as far as the newsletter goes, he is all in favor of the Amish to receive it. There are folks that make comments on what they saw in the newsletter, especially since they know he is on the board. There are people who are looking at it. Lisa Murphy commented that we need multiple ways to communicate to reach the different ways people are able to obtain information. Ken Zwolinski said unfortunately on Taryn's side it is very hard to get information from anybody. It is for the community. Way back we had birthdays, anniversaries, deaths, marriages, new births, all kind of stuff. He tells the community if there is anything you want your community to know then put it in that is what it is for. Unfortunately, people have lost track of that. We even put in the newsletter telling them this is yours not ours and we do not get anything. Chairperson Reeves asked if we are going to put something in the newsletter asking if they want this to continue. Ken Zwolinski said anything we want to put in there or questions we want in there. Have her draw it up put in a phone number and have people call in with yes or no or give us your thoughts. People do read them, he normally has about 20 left after the mailing goes out and he puts them up at the Meat Market and they are gone. Chairperson Reeves said we need to put something in it and see what the community thinks. Roger Kwiatkowski asked how often the newsletter goes out. Lisa Murphy advised every other month so that is six times a year. Chairperson Reeves said she feels that there would be different types of information that would be in the newsletter vs what would be on the website. Ken Zwolinski said that might be. He knows the Amish can use it and he is sure others as well. A few board members mentioned that they read it. Chairperson Reeves said she would like to see if we can get the community to share more as this is their newsletter. Ken Zwolinski reiterated that the Chamber has shared expenses with the township for as long as he can remember. It is a lot of work. There used to be a whole group of people who sat around, drinking coffee and putting those little stickers on it but now we have to pay a machine to do it at the printer and they charge more for that. Lisa Murphy asked how many newsletters go out. Ken Zwolinski said he could not say how many. You would have to ask Taryn she would be able to tell us and said she will respond back. Lisa Murphy emailed Taryn inquiring how many go out each time. We have five zip codes plus the out of towners. He has some people who passed away and their kids still want to get it. Lisa Murphy mentioned that she remembers when she first moved out here it took her a while before she started to receive it and had to request multiple times. Ken Zwolinski said that is because it is very hard to update the families. They currently go through the board of elections for addresses because that is where your census comes from. They try to keep it updated as best as they can. You are not looking every other month at the addresses. Too much moving in and out. Basically, if they have an address, they'll send it to it.

Chairperson Reeves said we have talked about getting with the realtors to see who is buying homes in this area because that would be a name. Ken Zwolinski said once it is sold maybe but

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it still would not be easy. Chairperson Reeves said we were thinking about being able to get the zoning information, resolution out there. Letting them know if you are moving into the community this is what you can or cannot do and get them familiar with the resolutions.

HEARING OF THE PUBLIC

Chairperson Reeves advised that we are trying something new. We put the hearing of the public after the BZA update because we know that some people do not want to sit through the whole meeting just to have their voice heard. So, this is the time we are hearing from the public if anyone wants to say anything.

Ken Zwolinski said he might as well keep going. He said he has a couple of issues and probably starts at our table. One is Ken Emerick's real estate. It was stripped zoning way back when dad had it and when they changed zoning he is now residential. The only way he knows that we can change that is to put joining real estate there. That is why we had to joint Mike's because you cannot spot zone (referring to Lone Wolf). It is a conforming or non-conforming lot and the first thing you have to do is define what it is. If it is a non-conforming lot, it brings a lot of issues should Ken Emerick pass away. He was there probably before zoning. Chairperson Reeves asked if he has come to speak with Joe Orłowski to see about doing an amendment to turn it commercial? Ken Zwolinski said he does not know. Chairperson Reeves said if he did an amendment, it would then fall onto our plate. We have had other companies such as Iron Horse who had theirs changed to commercial. Ken Zwolinski said we have other issues like Rod Ziegler's place. He is not sure how we want to change his. He has been there forever; he believes his dad's dad had it. Chairperson Reeves said she thought he was already commercial. Ken Zwolinski said no he is not. The kind of issues you run into there is it being a non-conforming lot. Those are the two he knows off the top of his hat. The question is who should make it, how can we make the lot a conforming lot. You will remember when Dale Markowitz was talking, he said not to look at grandfathering but to look at conforming and nonconforming. He is not looking at who they are or what they are but is the lot conforming or is the lot non-conforming. When it comes to selling, if it is non-conforming it is a dead piece of meat. We need to see who is what and who ever is non-conforming needs to be conforming not grandfathered. Grandfathered is toilet water. Chairman Reeves asked if what he was saying is that they need to go from residential to commercial. Ken Zwolinski said or residential to commercial, he is not sure but it has to be a conforming lot is what he is saying. Chairperson Reeves said if they are a business they need to be conforming to the commercial rules. Ken Zwolinski said correct. Chairperson Reeves said that would mean you would change the residential to commercial. Ken Zwolinski said that is right. There are probably a few other places around like this but those are the two I know of because he talks to Ken Emerick's a lot. He has told him that somehow the township should change this. When he had his fire if he was a non-commercial lot he would have not been able to do anything until I paid the \$350 and

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went to the board of zoning appeals to see if I was able rebuild because he was over fifty percent. Because he was commercial he did not have to do that because I was conforming. Those are situations that he feels, as a business person, that it needs to be a conforming piece. Chairperson Reeves said those people need to come to us and tell us and work with Joe Orlovski. Ken Zwolinski said unfortunately they do not but he thinks we should be aware of it so you can fix it. These are items that need to be remedied somehow. He thought being on the zoning board he believes it is us who make the recommendations to the trustees. He believes that is what boiled down to Mike's real estate (referring to Lone Wolf). When Donn Breckenridge was telling you to read the minutes about the county denying Mike's real estate that was absolutely correct. Look at my house, because nobody could change that piece of real estate because the township trustees had to make the two lots commercial. It was not spot zoned. If we would have done just his lot it would have been spot zoning and that is even illegal everywhere, at least from what he understands. That is why Mike (Lone Wolf) had to go down that road so far and then it was up to the trustees to say. You have the City of Akron, the other guys piece of real estate and then you have Mike's (Lone Wolf), These are the things that he believes you as a board need to look at and correct so they are conforming pieces of real estate. Stop the battle and try to help us. If Mike (Lone Wolf) wants to sell it he cannot because it is a non-conforming lot. Chairperson Reeves said right now he....and Ken Zwolinski cut in and said as commercial he is conforming. Chairperson Reeves said a piece of commercial real estate is three acres. Ken Zwolinski said he is not even three acres. Enos Detweiler is not three acres either. All of these lots, that is what he brought up at the trustees meeting when Ken Evers was speaking, wait a minute, we will not go there. You have to understand these small little lots, if you think about it, I have a two acre lot. I have a septic system that is commercial that covers probably about fifteen hundred square feet maybe two thousand square feet and that is just the septic system. Then he has a building and he has to park cars and all of this other good stuff. In the zoning you have seventy percent zoning space. On that two acre lot, seventy percent would make the building technically the size of a stamp. I was coming over here tonight and thinking if the lot is not so big maybe we should not have a green space. All of these lots through here, pointing towards 422, he could see Ebelender having green space and for anyone else who has a big lot. Everyone else, like Enos, he has a little over two acres, and one of the lots right up the road has about two acres, if you look at the map and take seventy percent of their green space that would be a killer. If you look at these bigger lots like Great Lakes Cheese then have the green space should play in but when you get into the small lots, even Purchase's, he does not even have green space so he probably is non-conforming. This is the things you should be looking at. Look at the map and ask yourself if the lot is conforming or non-conforming and if non-conforming why is it non-conforming? Look into ways to correct it. That's all, otherwise you are going to have pieces of real estate out here that are unsellable. That is what Dale Markowitz was talking about. Then it would regress your growth and stability because you still have to have tax dollars to cover the fire department. Tax dollars are generated from everybody, as you know. You have to have a little bit of growth. Getting off the subject, Swagelok's sign is at seven in a half percent. The reason it is at seven in a half percent is

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because anything that is above that is bad growth and anything below that is bad growth. Chairperson Reeves said Swagelok's? Ken Zwolinski said Swagelok is in Solon. They make brass fittings. Chairperson Reeves said she knows who they are but is wondering what he is saying about them. Ken Zwolinski said because their sign is at an angle, that angle is the proper growth. He heard that from the president of the company. That is why Swagelok's sign is sitting at seven percent. He was told, too much is bad. If everything comes in too quick it causes disruption and if you do not have steady growth, you have un-growth. Just a little bit of history on the Swagelok sign. Chairperson Reeves said she hears what he has said and thanked him.

Chairperson Reeves asked if anyone else wanted to speak. No one came forward and Chairperson Reeves closed the hearing from the public.

OLD BUSINESS

1. Noise Ordinance

Chairperson Reeves asked if we put together a packet for the trustees. Lisa Murphy emailed the Trustees the results of the Zoning Commissions review and research, and information that Dave Dietrich helped us compile. She advised them that our research is complete and we would not be taking any further action and advised them if they wanted to continue then it would be on them. The only one who got back to her was Len Barcikoski and he stated that he has spoken with one of the residents that originally brought a complaint to them and was advised that they are no longer experiencing problems. It looks like they are not going to move forward with this. Chairperson Reeves asked the board if they had any questions or comments. No one spoke up so she said this is closed.

2. Proposed Changes to Article V Update:

Lisa Murphy emailed assistant prosecutor Linda Applebaum requesting her to review the proposed changes to Article V. Linda Applebaum replied saying while she cannot comment on the legalities of the proposed changes, but all of the grammar looks okay. She asked if this is normal that she cannot comment on the legalities because is that not the reason we are sending it to her. Dave Dietrich was not able to respond as he did not know why she responded in that manner. Chairperson Reeves reiterated that we are looking for the legalities and that is why we send it to her. Lisa Murphy said she is not sure why she got that response. She also emailed it to the Geauga County Planning Commission requesting them to complete a soft review and will let us know what they think before we even start anything. She is sure she will have a response before the next meeting so once she receives their feedback, we will review it at the next meeting. Chairperson Reeves said once reviews are done if all is ok then it will be ok

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to start the amendment process. Lisa Murphy said that is correct, it will be in position for amendment. Chairperson Reeves said we are doing amendments in smaller sections now. Chairperson Reeves asked when it went up to the planning commission. Lisa Murphy advised it was last week. She waited until she got the response from Linda Applebaum before sending it in case Linda advised of changes needed.

Chairperson Reeves asked if anyone had questions/comments. No one spoke up.

Continued review required.

3. Article VI Proposed Change Draft

Lisa Murphy completed a proposed change draft for Article VI based off of the review/decisions made by the ZC board and handed them out to the board members for their records and to review to ensure there are no corrections needed.

Once confirmed that the proposed change draft is accurate Lisa Murphy will email to Linda Applebaum and then to the Geauga County Planning Commission for them to review.

Lisa Murphy advised the other packet is what I get from Dave Dietrich and they had requested to have a copy of that going forward.

Chairperson Reeves asked the board to review tonight to confirm accuracy. Lisa Murphy advised by having the board review the draft she is hoping that will help to catch any clerical info as well.

Henry said he wants to verify something in Section 606. We discussed this a few months ago, did we leave the width of driveways at 15 feet? He was not sure if we left it at 15 or reduced it to 12 feet. Chairperson Reeves confirmed we agreed with the minimum of 15 feet.

Roger Kwiatkowski asked about a maximum on the width for driveway. He feels we need one. He understands making it wider for fire department and that is fine but why leave it open to have the width as large as you want. His street is only 20 feet wide. He does not see the necessity to have the driveway width open ended. He feels a 40-foot width would be ridiculous. Chairperson Reeves said people will still have to abide by the required setbacks. Henry Shrock asked Roger Kwiatkowski what problems would we have if someone put in a 30' wide driveway. Roger Kwiatkowski said he just wants to know why. Henry Shrock said you never know. Chairperson Reeves added that this is not just for houses. Roger Kwiatkowski agreed this is for everything. With a maximum of 20 feet if someone needs wider and has a good reason, they can get a variance. 20-feet is width of my street, have to have some common sense. Henry Shrock asked if we were talking residential. Roger Kwiatkowski said It is for all zoning districts.

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Chairperson Reeves corrected that this is for residential only. In commercial and industrial we have a minimum of 14 feet and a maximum of 18 feet. Roger Kwiatkowski said have to have consistency. If we are having a maximum of 15 in residential, we need to do same in commercial/industrial. Same with maximum, should be 20 for all. Joe Mayoros agreed that they should all be the same with minimum and maximum. Roger Kwiatkowski said I recommend on A make it a minimum of 15 with a maximum of 20 and on B make it a 15 minimum with a maximum of 20. *Section 606.0 (A)(B)

Roger Kwiatkowski said we discussed K a lot. Chairperson Reeves said yes, we did and we decided to not put all of that in so we took it out. Henry Shrock asked for confirmation if we were taking all of K out. Chairperson Reeves said all is being taken out except the first sentence that was already there. Roger Kwiatkowski said the lines that are struck out gave perimeters of these parking lots but he guesses everyone else was okay with taking it out. He reiterated that this is for all districts.

Chairperson Reeves asked if anyone had anything else or if all is okay for Lisa to make the changes with the driveway widths as discussed then send it up to Linda Applebaum and the planning commission for their reviews. All in agreement.

Confirmed that Lisa Murphy will make those changes then send up for reviews. Roger Kwiatkowski asked what I send up for review. Lisa Murphy advised it is the draft that he is looking at right now. Roger Kwiatkowski asked how I approached the one where we agreed tonight on the width of the driveways. Lisa Murphy advised that Dave Dietrich will make the changes on his end, he will send it to me, and I will make the changes in the same colors as he does then send it for review. Chairperson Reeves asked the board if they want to see it again before Lisa sends it up. Roger Kwiatkowski said no need for that.

Chairperson Reeves asked the board if they want to continue. Board said no they want to stop at this point.

Henry Shrock asked if they have sheets on Article VIII. Lisa Murphy said no but I can hand it out to them tonight if they wanted. All board members said not tonight just bring them back at the next meeting.

NEW BUSINESS

No new business

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ZONING INSPECTOR

Zoning Inspector not present.

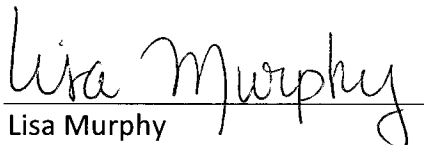
NEXT MEETING

Chairperson Reeves advised that the next zoning commission regular meeting will be held on February 2, 2023 at 7:00 p.m.

ADJOURNMENT

With nothing further to discuss, Chairperson Reeves asked for a motion to adjourn the meeting. Roger Kwiatkowski motioned to adjourn; Henry Shrock seconded said motion. All in favor meeting adjourned at 7:56 p.m.

Respectfully submitted,



Lisa Murphy
Troy Township Zoning Secretary



Jeannine Reeves
Troy Township Zoning Commission Chairperson