

Zoning Commission Meeting
October 13, 2011
ZC-02-11
&
(ZC-03-11 withdrawn)

Members/Attendance: X Ron Massullo
 X Jack Shetler
 X Gene McCullough
 N/A Joan Madej
 X Tim Marucci
 X Bob Barnhart

Also in attendance: X Bob Monus, Zoning Inspector
 X Michele Richards, Recording Secretary

Ron Massullo called the meeting to order at 6:00 p.m.

1st Order of Business:

Ron Massullo stated that the first order of business is to approve the minutes from the meeting held on June 1, 2011. Jack Shetler made a motion to accept the minutes from the June 1, 2011 meeting. Tim Marucci seconded the motion. All members were in favor, minutes approved.

2nd Order of Business:

Case #ZC-02-11 – A request by (Owner) Doug Susany, to rezone a parcel of land from an Agricultural (AG) District to a Business Park (BP) District. Parcel is located along the northeast corner of the Center Road – Quarry Road intersection and has a frontage of 1337.8’ along Center Road, and a frontage of 599.58’ along Quarry Road. Parcel is approximately fifteen (15) acres in size and is located in Poland Township, Mahoning County, and is known as parcel number 35-086-0-044.01-0, Lot 1.

Doug Susany
DBA SET, Inc.
235 E. Water Street
Lowellville, Ohio 44436

Susany stated that the reason for the zone change is so he can legally operate his excavating company out of the same premises.

Bob Monus stated that the Mahoning County Planning Commission met on September 27, 2011. At this meeting, the Commission made the recommendation to approve this zone change submitted by Doug Susany.

Ron Massullo asked if there is anyone opposed to this zone change.

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Ray Kleshock
6188 Quarry Road

Kleshock stated he resides at 6188 Quarry Road and also owns the property at 6214 Quarry Road. Kleshock's property is located to the north of Susany's property and is zoned Residential. Kleshock questioned the verbiage of Susany's letter to the zoning office which states, *"In addition, a request to amend the zoning resolution to include the intended usage of parcel as a permitted use."* Susany replied that the zoning book needs amended because unless the use is specifically mentioned, it is considered not legal.

Kleshock stated that Susany is not in compliance with Business Park. Kleshock is also concerned about spot zoning. He referred to the sentence in Section 7.37, Spot Zoning, which reads, *"A zoning pattern once established and relied upon must be sufficiently stable to accomplish the purposes of the General Land Use Plan and to protect those who comply with the requirements of this Resolution. Spot zoning constitutes an entering wedge, contributing to the breakdown of this stability."*

Kleshock stated that if the zone change is granted, Susany would not be in compliance with business park. He stated that Susany has not been in compliance with Agricultural or Business Park for the past several years. Kleshock showed the Board a satellite picture site of Susany's property, which shows abandoned truck trailers and tool sheds.

Jack Shetler asked Kleshock exactly what he is against as far as this zone change is concerned. Kleshock stated that Quarry Road is a residential area, not an industrial area. Shetler asked Kleshock if there is anything that Susany could do to appease him. Kleshock stated he is not asking Susany to tear his building down; he just does not want the zone change.

Susany addressed the Board and asked that the zoning book be amended to allow construction or excavating activities in AG (agricultural district) for the reason that farmers own backhoes and/or bulldozers and sometimes do work on the side with this equipment.

Ron Massullo stated that Kleshock's request would be considered.

Massullo asked if there were any others opposed to this zone change request.

Sherri May
6214 Quarry Road

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May stated she is a renter of Ray Kleshock and has been a renter for the past ten years. She stated that she is the closest inhabited house to the requested proposed zone change. Massullo asked May to show on the map where her house is located. May obliged and referenced her house on the map.

May stated again that she lives in the nearest inhabited house to the property. She stated she was there prior to Susany's business. The noise, the smell of the gas well, road conditions, all of this has affected her quality of life. She is very much opposed to the zone change. It is a residential area and those that live there want to live a peaceful life.

Shetler asked what she proposes the Board do in this situation.

May stated that what's there is there, nothing can be done about that. She does not want anything that will increase the disturbances in the area and the zone change will do just that.

Massullo explained that the role of the Board is not of a policing entity for anything that has taken place or that will take place.

Massullo asked if there were any others opposed to this zone change request.

Rosemary Kusky
6096 Quarry Road

Massullo asked Kusky to show on the map where her house is located. Kusky obliged and referenced her house on the map.

Kusky stated she is not happy with the building and does understand that you cannot change what has already happened. She does not understand why Susany's building was built on her road (Quarry Road) and not on Susany's property (his street). She stated she does not want the zone change.

Jack Shetler asked Kusky to reiterate her statement about Susany's building. Kusky stated that she understands that nothing cannot be done about the existing building, but she does not want anything else built on the road.

Tim Marucci asked Doug Susany about the buildings that Kusky is referring to. A site plan was submitted showing two future buildings. Marucci asked Susany if he plans to build the two structures. Susany replied yes. Marucci asked Susany what the intended use of the buildings are. Susany replied for cold storage for construction equipment.

Massullo asked if there was anyone in favor of this zone change request.

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Becky Snyder
5340 & 5380 Center Road

Snyder stated she has no opposition to this zone change request. Snyder stated that Route 224 is spot zoned the entire way. Snyder stated that living on Route 224 next to a junkyard is difficult because no one will buy the property and build a house there. She stated she does not have a problem with noise.

Massullo asked if anyone else would like to speak in favor of this zone change request. No one responds.

Gene McCullough discussed spot zoning. He stated that Route 224 could become very active in the near future with other proposed businesses. The Planning Commission has okayed this zone change request but they were not aware there would be any objections. Massullo asked Susany if he could explain what was discussed at the Planning Commission meeting regarding this parcel and also if he has a copy of their recommendation. Susany stated he does not have a copy of the recommendation. Massullo stated that the Planning Commission has not released their recommendation on paper. Susany stated it is a quick procedure at the Planning Commission. They called on him and ask him to state the use of the property, the use of the zone change, and what he is going to do with the property. Then they vote to recommend the land use. There is no public opposition.

Jack Shetler stated that he expected to come to tonight's meeting and vote on this case. He did not expect all of the opposition. He stated he would like to see the map of how the remainder of Route 224 is zoned. Monus stated he would display the official Township Zoning Map for discussion and review. Monus identified the Route 224 corridor and Susany's property on the map, as well as other properties. A discussion followed amongst the Board members regarding these properties.

Massullo asked if there were any other questions or comments.

Ray Kleshock referenced Section 7.30 of the zoning book, Parking, paragraph 9, which states, *"parking" for the purpose of "storage" means the placement or parking of a commercial vehicle or trailer anywhere in any zoning district for any period of time other than that time actually spent for the ordinary, customary, and reasonable time required for loading, unloading, or cleaning, but not to exceed seventy-two (72) consecutive hours.*" Kleshock stated that he has photographs of weeds growing up around trailers on Susany's property.

Susany stated that the Board needs to address the statement. The statement is incorrect. You are permitted by zoning code to have a truck terminal in Poland Township, but you are not allowed to park trucks there. That is the way that the book reads. Monus stated for the

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record, that there has been litigation involving activity with land use there, but he cannot share any other information.

Jack Shetler asked Massullo if he has any suggestions how the Board should rule on this case. Massullo stated that a public hearing was advertised and the Board is required to address it. Shetler asked if there is a timeline to vote on the case. Monus stated the Board can make a motion to continue the meeting. Massullo asked the Board members if they feel there is additional information that would give them a better opportunity to make a decision on this case. Marucci stated he wanted to know the intentions for Susany's two buildings. Susany replied that one building will be a 30x80 pre-engineered

steel building and the other one will be a pole building. They will be used to store small tools, construction equipment, signalization parts, seed corn, and soy beans. Marucci asked if Susany would consider moving the buildings down off of the road further, closer to the existing building. Susany replied no.

Massullo asked again if there is any additional information that would give the Board members a better opportunity to make a decision on this case. Marucci stated he would like to see the buildings shifted to the east as far as possible instead of being close to the road. Susany replied that they will be approximately 100 feet off of the road.

Gene McCullough stated it is the Board's position to make a decision on the zone change request; however, public objections need to be considered and addressed.

Jack Shetler stated that the people opposed are willing to live with what is there, even though they don't like it and Susany should be willing to compromise somewhat, such as what Tim had suggested. Shetler stated he does not want to vote tonight. Shetler stated there needs to be a compromise.

Bob Barnhart stated he agrees with Jack and Tim. There should be a compromise between the neighbors and the property owner.

Massullo asked if there is any additional information or input that anyone would like to add.

Sherri May asked the Board to consider the wear and tear of the road (Quarry Road) due to this business. She stated that the road was not in this condition prior to this business. Susany stated when Rudzik was doing the sewer work on Kennedy Road and Struthers Road; he gave them permission to haul dirt through Quarry Road. It did damage the road and they were to repair it.

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Marucci asked Susany the size of his parcel. Susany replied 15 acres. Marucci asked what will the use be of the proposed buildings on Route 224. Susany replied the buildings will be used for back offices and warehouses.

Shetler asked Susany if he would consider changing anything in his proposal. Susany replied that he is asking for a zone change, he is not asking for permission on how to develop the property.

Derek Donatelli
President, Lowellville Rod and Gun Club
1098 Shields Road
Boardman, Ohio

Donatelli asked to view the proposed sketch of the buildings. Massullo gave him the sketch to review.

Massullo stated that he was going to make a motion in this case. After hearing the public comments and comments from the Board members, there is additional information he would like to consider regarding land use and he would like to await the actual recommendation from the Planning Commission.

Motion

Ron Massullo made a motion in Case ZC-02-11 to continue the requested zone change until additional information and/or a possible compromise is met. Jack Shetler seconded the motion.

Voting:

Yes	Ron Massullo
Yes	Jack Shetler
Yes	Tim Marucci
Abstain	Gene McCullough
Yes	Bob Barnhart

Motion carried.

Bob Monus asked Massullo to make a motion that case ZC-03-11 was withdrawn.

Motion

Ron Massullo made a motion in Case ZC-03-11 that the case has been withdrawn.

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Old Business:

Jack Shetler asked if the windmill request and sign regulations were approved by the Trustees. Monus stated the ordinances were adopted by the Trustees and the Board members were given the appropriate sections for their zoning books.

New Business:

Doug Susany stated that the Board will need to consider adding this use to the permitted uses or it does no good to get the zone change. He would also like the Board to consider adding that as a permitted use in the Agricultural (AG) district. The Board needs to address Section 7.24 Off Street Parking Requirements, #7, because no business can comply with that. The Board also needs to address Section 7.30 Parking and Storage of Motor Vehicles and Commercial Tractor Trailers, #9 and #10.

Meeting adjourned at 7:22 p.m.

Submitted by:
Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (7)
Zoning Commission (6)
J. Granitto (1)
File (1)