

**Zoning Commission Meeting
January 6, 2011
ZC-01-10**

Members/Attendance: X Ron Massullo
 X Jack Shetler
 X Gene McCullough
 X Joan Madej
 X Doug Susany
 X Tim Marucci

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

Ron Massullo called the meeting to order at 7:02 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 March 11, 2010. Massullo distributed the minutes to the board members to review. Joan Madej requested that a correction be made to the minutes under the New Business section. The paragraph should read, *“Joan Madej addressed the issue of private snow plow drivers removing snow from another owner’s property and placing it on her property. Monus stated this has been an issue all over the area, not just in Poland Township. Monus stated that it is a private matter and not something that the township can regulate.”* Joan Madej made a motion to accept the corrected minutes from the March 11, 2010 meeting. Jack Shetler seconded the motion.

Voting:

Yes Jack Shetler
Yes Joan Madej
Yes Gene McCullough
Yes Doug Susany
Yes Tim Marucci
Yes Ron Massullo

Motion carried.

2nd Order of Business:

Reorganization of the Board. Gene McCullough made a motion to nominate and retain Ron Massullo as Chair of the Committee and Joan Madej as Vice Chair of the Committee. Doug Susany seconded the motion.

Voting:

Yes Doug Susany
Yes Gene McCullough

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Yes Jack Shetler
Yes Tim Marucci
Yes Joan Madej
Yes Ron Massullo

Motion carried.

3rd Order of Business:

Case #ZC-01-10 – A request by (owner) Fernando and Rose Rubino, to rezone a parcel of land from a residential-1 (R-1) district to a residential-3 (R-3) district. Parcel is located approximately two hundred twelve feet, eighty one inches (212.81') west of Diana Drive-Center Road (Route 224) intersection, Poland, Ohio, Poland Township, Mahoning County, and is known as parcel number 35-006-A-033.00-0, lot number two (2).

Items included in packet submitted:

1. Application for Zone Change
2. Letter of Intent
3. List of Abutting and Adjacent Property Owners
4. Warranty Deed
5. Mahoning County Auditor Property Summary
6. County Map
7. Zoning District Map
8. Property Description
9. Proposed Site Plan

In addition to the above, all board members received via email the Mahoning County Planning Commission's recommendation for the zone change request.

Bob Monus stated that the public meeting was held at the Planning Commission and the township went on record with no objections to this case.

Fernando Rubino
3962 Via Siena

Rubino stated that he is requesting to rezone the property from R1 to R3. He stated he has owned the property for 20 years and has tried to sell it with no response. He has also received complaints of dumping on this vacant land. His intent is to construct a four plex apartment on this property.

Doug Susany asked if all abutting property owners had been notified.

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**Donald Kopp
2536 Center Road**

Kopp replied no, that all abutting property owners had not been notified. He stated that Jerry Williams, who lives 72.3' away from the property, was not notified. Kopp stated that three properties were surveyed erroneously – Homrighouse, Fred Rubino and the 20' approach, the access road. There is a thirty-three foot (33') discrepancy on these properties.

Joan Madej asked if the property owner of the historic home that is to the east of the property was notified. Kopp stated that is Jon Homrighouse and he was notified. Rubino stated he talked to Homrighouse and he is not concerned and he is for the case. Kopp stated that Jerry Williams is also for the case, he just was not notified.

Shetler asked Kopp is he is for or against the case. Kopp replied that his wife would speak.

**Theresa Kopp
2536 Center Road**

Mrs. Kopp stated that if the property in question is used for an apartment complex, her only concern is that the driveway would be 20' away from her bedroom window. She is concerned about noise issues. They would like the driveway put on the other side.

Discussion followed about abutting property owners and notification of these property owners.

Massullo asked if there is any other discussion. Jack Shetler asked the Kopp's if they are for or against this case. Mrs. Kopp stated they do not want the apartment built but if the board does vote in favor, they would like the driveway on the other side.

Ron Massullo stated that the Board is voting on the zone change tonight, not any property changes or issues. Massullo stated that eleven (11) notifications were sent to abutting property owners. Monus stated that the proper property owners were notified per the Ohio Revised Code.

Monus stated that it should be clarified that the Board is recommending its decision to the Trustees. The Trustees will make the final decision. No official rezone will occur at tonight's meeting.

Mr. Kopp questioned the Board about the possibility of rezoning their property. Monus stated they would have to file an application for rezone like Mr. Rubino did with a public hearing.

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Massullo asked if there is any other discussion. There being none, Massullo stated that the Board is to vote on the rezone, based upon the recommendation of the Mahoning County Planning Commission. Massullo asked for a motion.

Motion

Gene McCullough made a motion in Case ZC-01-10 to rezone (per Mr. Rubino's request) the property from Residential-1 (R-1) to Residential-3 (R-3), as per the recommendation from the Mahoning County Planning Commission. Tim Marucci seconded the motion.

Voting:

Yes Gene McCullough
Yes Tim Marucci
Yes Doug Susany
No Joan Madej
Yes Ron Massullo
No Jack Shetler

Motion carried.

4th Order of Business:

Massullo stated that he has a request by Tom Sutcliffe, representing RDW, to address the Commission to discuss the possibility of modifying the PUD (Planned Unit Development) at the Preserve at Yellow Creek. He also wishes to discuss creating fee simple lots for the remaining portion of the PUD.

Sutcliffe stated he has one hundred (100) residential homes for sale. Sutcliffe referred to a drawing of the PUD, and he gave each board member a copy of it. Sutcliffe stated this is the first development he has built in Poland. In Phase A, the infrastructure is complete, i.e. roads, electric, sewer, water. There are currently six homes completed in this area, only one has been purchased.

Phase B has been a challenging area due to the price point and the fact that the customer does not own the land under their home. The banks do not want to finance because they want to mortgage the land as well as the structure. This is basically a fee simple arrangement. The fee simple concept basically means that you own what you are sitting on, the lot and the house. In a condominium, you own the structure, but not the land under you. He feels that he can market the lots better if they can be sold as lots versus as structures on top of a common area. Sutcliffe stated that it structurally and operationally changes nothing, and in fact it will reduce the density. For example, in Phase B all of the villas marked as PV (paired villa) will be changed to a single villa. The paired villas are a little larger than the single villas, so for the twenty-five (25) paired villas which are fifty (50) homes, they will get thirty-five (35) single villas. There will be a reduction in units

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from one hundred (100) to eighty-five (85). This will give a reduction in density and create more green space. In Mahoning County, there is no requirement in a fee simple lot to change it to a class A Street. In Ohio, an umbrella association can be created that will still maintain the streets for Poland. In area A, the homes are for sell in the \$150-350,000 range. In area B, there will be no difference in the price of the homes. They will still build eighteen hundred (1800) to thirty-five hundred (3500) square foot homes but they will market better because of the private lot included with them.

Susany asked Sutcliffe if he is maintaining the roads, will he then have to have a homeowners association. Sutcliffe replied yes, and that in Ohio there is an umbrella association. For example, a development that he has in Canfield (Tippecanoe Woods) there are two developments, a condominium development area in the back and a homeowners area in the front. The two properties are managed and maintained in the same way.

Susany asked Sutcliffe if he asking for a zone change. Monus replied there is no zone change, it is already a PUD. They are just looking to create lots within the PUD. Sutcliffe will have to replot.

Shetler stated he would like to hear from the homeowners as far as their opinion of this concept. If they are okay with it, then he is okay with it.

Massullo asked Sutcliffe what he wants the Board to do in the interim. Sutcliffe stated he first wanted a feel for the Board's opinion. His next step would be to bring the homeowners to a public meeting for them to voice their opinions.

Massullo stated he would like this issue brought to the table at future meetings. McCullough stated they would need an affidavit from the present property owners stating they have no objections. Sutcliffe stated he will obtain the affidavits and present them at the next meeting.

Old Business:

Wind Turbines. Massullo asked if the follow up meeting occurred. McCullough replied yes. Shetler stated they met with a representative from a company in Canfield who assists municipalities in writing the specifications. They reviewed other zoning areas specifications and from that they developed the specifications for Poland Township. The specification is ready to be reviewed and approved by the Board. Massullo suggested that the specification be emailed to the Board members for review and then voted on at the next meeting. Shetler will follow through with this.

Signage. Discussion was held to discuss if a variance is required for signage over the allowable size, which is two by two (2 x 2) square feet. Monus stated that for businesses, larger project signs and repair signs (new roof, etc.) are permitted. There is a 30-day limit for these signs.

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New Business:

Doug Susany stated he has an issue with the way the new zoning book is written as far as industrial zoning. In the old book, you could build anything in industrial up to and including industrial. There were different levels of zoning, R, R-1, R-2, R-3, Commercial, and Industrial. If you were zoned industrial or commercial, you could build anything below that. In the current book, you can only build what is specifically mentioned in each district. For example, if you have a piece of industrial and you want to put a retail store on it, you would have to have it rezoned. The new book is exclusionary in nature. After further discussion, Massullo stated that he would like to address this section or any other similar section at a future meeting.

Massullo stated that he would like the Board to meet on a monthly basis, the first Thursday of each month. Notifications will follow.

Meeting adjourned at 8:41 p.m.

Submitted by:
Michele Richards/Recording Secretary

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