

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
DECEMBER 14, 2010**

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio
2 43015.

3
4 **CALL TO ORDER**

5
6 The meeting was called to order by Chairperson Rick Sedlacek at 7:00 PM.

7
8 Ms. Yorko led the meeting attendees in the recitation of the Pledge of Allegiance.

9
10 BZC Members Present: Rick Sedlacek; Jim Hahn; Rae Ann Kerlin; Kristin Yorko; Betty
11 Bringardner (1st alternate, seated)

12 Absent: Jerry Valentine

13 Also present: Toni Korleski (2nd alternate)

14
15 Mr. Sedlacek read the adopted BZC policy statement for the meeting as printed in the
16 agenda.

17
18 **LEGAL NOTICE AND PROOF OF LEGAL NOTICE PUBLICATION**

19
20 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
21 meeting, which was published on December 1, 2010 in the Delaware Gazette, providing
22 notification of the meeting date, time, and items for discussion as follows:

23
24 *The Berlin Township Zoning Commission will hold a public meeting December 14,*
25 *2010 at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road,*
26 *Delaware, OH 43015. Discussions will continue on potential changes as a result of*
27 *the Business Community Forum, as well as wind turbines and signage. The person*
28 *responsible for giving notice of the public hearing by publication is Cathy Rippel.*
29 *Township residents are encouraged to attend.*

30
31 *BERLIN TOWNSHIP ZONING COMMISSION*
32 *Rick Sedlacek, Chairman*

33
34 **APPROVAL OF MINUTES**

35
36 Mr. Hahn made a motion to approve the minutes from the November 9, 2010 BZC
37 meeting as presented. Ms. Kerlin seconded the motion. All in favor say, "aye," all
38 opposed signify with same sign. No opposition, motion carried, minutes approved.

39
40 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

41
42 Mr. Sedlacek asked the meeting attendees to introduce themselves

- 43
44 ○ Dave Leahy, 1484 Dale Ford Road
45 ○ Jeff Baumann, 1224 Dale Ford Road
46 ○ Joe Korleski, Berlin Township BZA member
47 ○ Don Sherman, 1469 Africa Road
48 ○ David Lundberg, who owns farm property on U.S. Route 36/37

49
50 **AGENDA ITEM: PROPOSED REVISIONS TO**
51 **ARTICLE 22 SIGN & BILLBOARD REGULATIONS**

52
53 Mr. Sedlacek said that the BZC has been working on Article 22 of the zoning resolution
54 for a while and he reviewed the history. A meeting had been held a while ago with the
55 BZC and small business owners were invited to attend. During that meeting, the small
56 business owners expressed strongly that the township's signage regulations were too
57 stringent for small businesses to succeed.

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59 Mr. Sedlacek said the BZC investigated and researched the request to reexamine the
60 signage regulations, and he asked Ms. Kerlin to explain where the process was at this
61 point.

62
63 Ms. Kerlin said that the BZC has discussed the article and changes made to it, and most
64 of what has occurred is a relaxation of some of the types of signs, the elevations of signs,
65 and the setbacks. The proposed changes have been discussed as well as emailed and she
66 asked if there were further comments on the changes; if not, she would like to make a
67 motion to start the review process.

68
69 Ms. Kerlin said that she has received input multiple times from the BZC and that she has
70 incorporated all changes that were requested. Also, all the revised documents were
71 redistributed for review. Mr. Sedlacek asked whether there were additional comments
72 from the audience and BZC.

73
74 Ms. Bringardner said that Ms. Kerlin did a fantastic job and Mr. Hahn and Mr. Sedlacek
75 agreed. Ms. Kerlin mentioned that she was eager to complete the process.

76
77 Mr. Sedlacek said if the BZC so desires, it can move to initiate the proposed changes
78 which would then be sent onto the Delaware County Regional Planning Commission
79 (DCRPC). Mr. Armstrong would ask for comments from the county prosecutor, then the
80 document would come back to the BZC, which will vote on it and it will be sent to the
81 trustees for their consideration of final approval. Mr. Sedlacek asked for comments from
82 Mr. Armstrong.

83
84 Mr. Armstrong said that a fine job was done on the changes and it will go a long way to
85 help please some of those who have complained about the stringent zoning resolution in
86 the past few years.

87
88 Mr. Sedlacek noted that the changes made were not drastic, but instead were the result of
89 taking a close look to determine whether some regulations were too strict and could be
90 relaxed somewhat. He said most business owners should be pleased with the changes.

91
92 Mr. Armstrong noted that the copy of the proposed revisions included an updated date in
93 its footer but it should be changed to a blank date until such time that the document is
94 approved by the trustees. Once in force, the effective date can then be inserted properly
95 into the footer.

96
97 **Resolution 10.12.14.#1: Initiate the Review Process for**
98 **Article 22, Sign and Billboard Regulations**
99

100 Ms. Kerlin made a motion to initiate the revised copy of Article 22 Sign and Billboard
101 Regulations, of the Berlin Township Zoning Resolution, as modified to indicate a blank
102 date in the footer for each page. Ms. Yorke seconded the motion. Vote: Kerlin, yes;
103 Yorke, yes; Bringardner, yes; Hahn, yes; Sedlacek, yes. Motion carried, review process
104 initiated.

105
106 Ms. Korleski asked whether, regarding the changes for Article 22, the BZC has to wait
107 for the trustees, etc. and then place the information in the zoning resolution again. It was
108 determined that the proposed changes would be added to the zoning resolution once they
109 have been approved by the trustees.

110
111 **AGENDA ITEM: DISCUSSION REGARDING JOINT ORGANIZATIONAL MEETING**
112 **TO BE HELD ON JANUARY 11, 2011 WITH THE BERLIN TOWNSHIP BZA.**
113

114 Mr. Sedlacek said that the next BZC meeting will be on 1/11/11 and he expects that it
115 will be a joint meeting with the Board of Zoning Appeals (BZA). This will be the
116 organizational/administrative meeting and at that time the meetings for the rest of the
117 year will be scheduled, and also new officers will be nominated and elected. He asked

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118 the BZC to bring their nominations to that meeting. Typically the BZA holds its
119 organization meeting first, which doesn't take very long, and then immediately the BZC
120 holds its organizational meeting and then address any issues or agenda items.

121

122

AGENDA ITEM: DISCUSSION OF WIND TURBINES

123

124 Mr. Sherman said that he has visited the Byers Volvo dealership on U.S. Route 23 and
125 discussed the wind turbine on the property with a representative there who told him that
126 the tower was brought onto the property in three sections and then assembled. He also
127 said that it will tolerate wind speeds of 135 mph.

128

129 Mr. Sherman said it was also explained to him that the turbines turn with the wind so that
130 it faces the correct direction. It was designed so that the blades pick up wind from the
131 backside and it is quieter that way. If one drives by and there is a west wind, it looks like
132 the blades are facing the other direction.

133

134 Mr. Sherman said the representative explained to him that it has three brakes on it; one is
135 electronic to control it in case the wind speed gets too high, a manual brake, and also a
136 third brake for which he couldn't remember its function. He said the representative
137 explained that anybody is welcome to stop by and ask questions about the turbine.

138

139 Mr. Sherman said that the Byers turbine isn't hooked back up to the electric company to
140 send/sell electricity back, as it is too small for that. The tower is in front of the Byers
141 building and it was designed so that if it were to fall, it wouldn't fall on U.S. Route 23 but
142 instead within 5 feet of it. The dealership wasn't able to obtain as big of a tower as it
143 had originally wanted.

144

145 Mr. Sherman said that he (Mr. Sherman) discussed maintenance as well but couldn't
146 recall all the details. Mr. Sedlacek asked that he provide the representative's name and
147 phone number to the zoning office, who can provide it to the BZC members. Mr.
148 Sherman said that the representative had told him that about 50% of the tower was paid
149 for by the government and that made a big difference.

150

151 Mr. Hahn asked what percentage of electric power for the facility the tower was expected
152 to generate. Mr. Sherman said it doesn't generate a lot because its size was limited, and
153 perhaps it just generates enough light to illuminate the outside of the facility. He noted
154 that it's not like the large one at the Byers dealership along I-270, although he wasn't
155 sure how much power that one generates.

156

157 Mr. Sedlacek said that BZC members could independently visit the dealership and that
158 would help them visualize.

159

160 Mr. Sedlacek asked if Mr. Armstrong had any updates regarding wind turbines. Mr.
161 Armstrong said he didn't have any language, etc. updates but he does have literature and
162 other information he has been gathering. He distributed the information to the BZC. Mr.
163 Sedlacek said the items would help the BZC members upgrade their knowledge of wind
164 turbines, which are a rather new technology. He said it was likely that requests for wind
165 turbines will happen in the future.

166

167 Mr. Sherman said the Byers representative told him that people could visit the wind
168 turbine at the Byers dealership near I-270. Mr. Armstrong said that he talked to the
169 architect for Byers, John Oney, and he said that he would contact him to visit the larger
170 wind turbine along I-270. It's a larger size and would be the same size as the one for
171 which Byers Kia was issued and is the kind that they intend to install at all Byers
172 locations.

173

174 Mr. Sedlacek suggested that when Mr. Oney contacts Mr. Armstrong, that he contact the
175 BZC and perhaps Mr. Sedlacek and one other BZC member could visit the dealership as
176 a preliminary committee. They could then report back to the BZC what they have

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177 learned. Mr. Sherman noted that the company who sold the wind turbine to Byers would
178 probably be willing to attend a BZC meeting to provide more information and answer
179 questions from the BZC.

180

181 Mr. Hahn asked whether the Delaware County Engineer's office was knowledgeable
182 about wind turbines and perhaps willing to attend a BZC meeting to provide more
183 information. Mr. Armstrong said they did not seem to be at this point; so far, the wind
184 turbines which have been installed in the area have been either in Franklin County or in
185 the City of Delaware. His last contact with that department indicated that they are
186 scrambling to get more information, including the foundation, engineering work, etc.

187

188 Mr. Leahy said he would like to visit the Byers dealership near I-270 if possible with the
189 preliminary committee.

190

191 Ms. Yorko said that she has reviewed the Berlin Township working draft and provided
192 her comments, and she gave it to Mr. Armstrong.

193

194 **AGENDA ITEM: ANY OTHER BUSINESS BROUGHT BEFORE THE ZONING COMMISSION**

195

196 Mr. Sedlacek said that David Lundberg owns property along U.S. Route 36/37 between
197 Dunham and Big Run Roads, and he is here to address a question to the BZC and Mr.
198 Armstrong.

199

200 Mr. Lundberg said that he has spoken to Doug Riedel, deputy development engineer with
201 the Delaware County Engineer's office, who said he should speak with the BZC
202 regarding a backage road proposed for his property. Mr. Lundberg said he owns a five-
203 acre property at the corner of Big Run Road and U.S. Route 36/37. Next to that is a 10-
204 acre parcel, and they both front on U.S. Route 36/37. He had a deal to sell 3 acres to Max
205 Peoples, a pharmacist who lives on Lackey Old State Road who wished to build an office
206 building for his business, which deals with hospitals.

207

208 Mr. Lundberg said that Mr. Peeple's business is not a retail business and there wouldn't
209 be delivery trucks or other frequent traffic to the site, and about 6 people were intended to
210 work on the site. However, the deal didn't work out because the potential buyer said he
211 couldn't afford to buy the property because the county intends to take 1.5 acres of that 3-
212 acre site to build a backage road.

213

214 Mr. Lundberg said the potential buyer would have to give up half the property he had
215 paid for, and also pay for the portion of the road which would come through his property.
216 He would also have to install a left turn lane off Big Run Road, which involves widening
217 each side of the road, and all would involve at least 2" of asphalt, which is required for all
218 township roads.

219

220 Mr. Lundberg said the 10-acre parcel would be required to install a right-in/right-out
221 because of its location along the divided highway. He also had a buyer for the 10-acre
222 site, and he reduced its price because the city of Delaware agreed to pay him for the
223 reduction of the property.

224

225 Mr. Lundberg said he met with Mr. Riedel and received a list of requirements which
226 included the details mentioned earlier. He said this is why he is here at this meeting.

227

228 Mr. Lundberg said that developer Don Kenney was going to purchase the property and
229 invested several hundred thousand dollars into planning for the property, but then passed
230 on the deal because he couldn't get sewer service to the property. Mr. Lundberg said that
231 he was told verbally that he could install his own treatment plant on the property when he
232 purchased it.

233

234 Mr. Lundberg said that he installed the first such plant in Ohio at a development called
235 Tartan Fields, and it was named the Jerome Waste Treatment Sewer. He said that the

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236 property is in a choice area, and companies such as Menard's have been interested;
237 however, without the availability of sewer, they have passed on purchasing the property.

238

239 Mr. Lundberg said that Jerry McClain, with The Jerry McClain Companies in Newark,
240 Ohio, is building a senior assisted living facility next to the library being built in Orange
241 Township. Mr. McClain was also interested in his property, until he found out that there
242 was no sewer service available.

243

244 Mr. Lundberg said that he pays over \$9,000.00 per year in taxes for the privilege of
245 growing beans, and he gets very little out of it. He noted that he lives in Gahanna. He
246 thanked the township maintenance workers for the nice tar-and-chip road that they
247 installed.

248

249 Mr. Lundberg said that every time he tries to do something on the property, he is struck
250 down. The 3-acre property isn't worth much because of all the work which will be
251 required for it. Also, the business across the street has semi-truck, delivery trucks, and at
252 least 8 people coming and going, and he asked why the owners of that property aren't
253 required to improve their property like he will be. His property is wooded, he noted.

254

255 Mr. Lundberg said that he is very upset because he is \$400,000.00 over budget for his 10-
256 acre property primarily because of the necessary improvements, including building the
257 road. He said that the county engineer's department has about 68 projects per year, and is
258 inconsistent in their requirements.

259

260 Mr. Lundberg said that nobody has ever discussed the road with him, and Mr. Riedel said
261 there have been plans for it for 5 years. He is here because Mr. Riedel told him that the
262 township knew all about it. Mr. Lundberg said nobody has ever talked to him about the
263 road, even though he owns the land and pays the taxes.

264

265 Mr. Lundberg said this is coming down to an issue of eminent domain; the county,
266 township, or somebody will take his land and then he will be required to build a road
267 through it. He will be required to install a 36' right-of-way and there will be traffic
268 through there all the time including delivery trucks, semi-trucks, etc.; nobody would want
269 that, he said.

270

271 Mr. Sedlacek asked if Mr. Riedel sent him to the BZC. Mr. Lundberg said that was
272 correct. Mr. Sedlacek explained that the BZC doesn't have control over the types of
273 things he has mentioned, as they are county requirements, not township requirements.
274 Mr. Lundberg said he was surprised too, but when Mr. Riedel told him, he wrote it down.

275

276 Mr. Lundberg said it has taken 13 years because he has been blocked by Chad Antle,
277 former assistant sanitary engineer for the Delaware County Regional Sewer District
278 (DCRSD), who overruled statements by employee Jack Smelker, also of the DCRSD,
279 who had told him originally that he could build a treatment plant. He was going to build
280 a golf course with 140 homes, but was told by Mr. Antle that he couldn't do that because
281 it would discharge into Alum Creek. Mr. Lundberg said that he paid \$5,000.00 for that.

282

283 Mr. Lundberg said that he will only be able to build 2 buildings per acre because there is
284 no sewer.

285

286 Mr. Sedlacek said he and most of the BZC is familiar with that kind of issue, but he is
287 surprised that Mr. Riedel sent him to the BZC, as its responsibility is to hear applications
288 and decide whether to approve them or not. He said he recalled that Charlie Vince's
289 development called Fox Haven was approved after 2-3 meetings. He said that the
290 development never came to fruition, which isn't the BZC's fault, and also it isn't the
291 BZC's responsibility to uphold or interpret county requirements and regulations, or even
292 to determine sewer availability.

293

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294 Mr. Lundberg said that he was surprised too by Mr. Riedel's suggestion, and that's why
295 he called Mr. Armstrong yesterday and left a message, and then he decided to come to
296 this meeting. He noted that the purchase of the 10-acre property is out of contract. He
297 said that after the Fox Haven development didn't go through, he had to return to Charlie
298 Vince, who had advanced him half a million dollars. After all the work put into it, he
299 couldn't get sewer into it.

300

301 Mr. Lundberg said nobody, including the Corp of Engineers and the county, has helped to
302 get sewer to the area. He would have never purchased the property had Mr. Smelker not
303 told him that he could build a sewer plant. He said Mr. Smelker had helped him obtain
304 approval for the Tartan Fields plat, and he planned to do the same thing with this
305 property. However, Mr. Smelker was pushed aside, he said.

306

307 Mr. Lundberg said that the Fox Haven development would have had plenty of green
308 space on the golf course. He said people are upset about what the county has not done to
309 get sewer. He said that the treatment plants are operating well below capacity and could
310 service his property if sewer lines were run there. That is a waste, he said. He said he is
311 76 years old and is sitting on the property but can't do a thing with it, but he is supposed
312 to make all these costly improvements to it.

313

314 Mr. Sedlacek asked Mr. Armstrong if he knew where the idea for the backage road came
315 from. Mr. Armstrong wasn't sure, as that was before his time with the township. He said
316 that it was in the Fox Haven plan that Mr. Lundberg signed off on. Mr. Lundberg said he
317 didn't sign off on that plan. Mr. Armstrong said that the Fox Haven plan indicates that a
318 backage road will be required.

319

320 Mr. Lundberg said that the only thing he signed was a contract with Mr. Kenney, and he
321 has a copy of that with him. Mr. Sedlacek asked if Mr. Armstrong was stating that the
322 representative who purchased the property and who came through with the application
323 which was approved by the BZC is the one who signed off on it.

324

325 Mr. Hahn said that regarding the backage roads along U.S. Route 36/37, the plans all
326 indicate those backage roads. He noted that the backage roads were also discussed with
327 Mr. Vince during the rezoning hearings for the Fox Haven development and Mr. Vince
328 was going to underwrite the backage road. That is much different than dividing the cost
329 of the backage road when he has all of the other land down below that he was going to
330 develop.

331

332 Mr. Lundberg said that was to be a road from one side to the other because of the condos
333 and the houses. Mr. Hahn said it wasn't just for that reason but it was a backage road to
334 take traffic off of U.S. Route 36/37 so it wouldn't have too many curb cuts.

335

336 Mr. Lundberg said that Mr. Riedel also told him that Route U.S. 36/37 could be used
337 until a backage road comes in, and it would not be allowed after that. He objected to the
338 taking of his right-of-way that he purchased. He asked how the county can arbitrarily
339 state that one won't be able to enter or exit onto U.S. Route 36/37.

340

341 Mr. Hahn wasn't certain whether that was an accurate statement because during the
342 development of the Sherman property just south of Peachblow Road, backage roads were
343 discussed and they have access onto U.S. Route 23 now. However, that access cannot be
344 cut off now because there is a grandfather clause. The access from the cemetery onto
345 U.S. Route 23 also cannot be removed. The county would prefer that they be blocked
346 off, but they cannot force them to do that.

347

348 Mr. Hahn said that the business across the street from Mr. Lundberg's property is
349 probably grandfathered in now, and there isn't much that can be done until they apply to
350 change their zoning. Mr. Lundberg said that the commercial development never
351 materialized. Mr. Hahn said he was referring to the gravel driveways, etc. on the

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352 property across the street from Mr. Lundberg's property. If they apply to change their
353 zoning, backage roads will probably be required and the property owner will pay for that.

354

355 Mr. Lundberg said he objected to that because he paid for that land and pays taxes for it;
356 why should he be required to give up part of it, and then pay for the road? Mr. Hahn said
357 that Mr. Vince was going to give it up, but he had intended to pick up much more
358 property. Mr. Lundberg said that was terminated.

359

360 Mr. Hahn said he was aware of that, but he wanted to note that there was no complaint on
361 that. Mr. Lundberg said that was for 200+ homes and 100+ condos. Mr. Hahn said he
362 was aware of that, but the percentage of the investment was much less.

363

364 Mr. Lundberg said that it will be required that half of the 3-acre property is given up for
365 the backage road and that's not fair when others haven't been required to do so.

366

367 Mr. Sedlacek said this subject could be discussed forever and it needs to be wrapped up.

368 Mr. Lundberg asked whether it would be required along all the farm fields all the way
369 from here to Delaware, and cut off access to U.S. Route 36/37. Mr. Sedlacek said the
370 BZC doesn't have any responsibility for what the county requires, including the sewer
371 department.

372

373 Mr. Sedlacek said he knows that if an applicant comes before the BZC, it is its
374 responsibility to ensure that the application is according to the zoning resolution. The
375 BZC doesn't have the responsibility for sewer or roads and he didn't know what Mr.
376 Lundberg expected from the BZC.

377

378 Mr. Sedlacek said that he would appreciate it if Mr. Lundberg would contact the zoning
379 department or the BZC chairperson if he has an agenda item so it can be placed on the
380 agenda for discussion. He stated that the voicemail that Mr. Lundberg left for him stated
381 that he didn't need to call him back unless tonight's meeting was canceled. He noted that
382 Mr. Lundberg has issues which involve the county, the sewer department, and older
383 issues that the BZC can't fix for him.

384

385 Mr. Lundberg said he came because Mr. Riedel told him to come before the BZC. Mr.
386 Riedel is a county person getting paid in a county job and he knows about the backage
387 roads. He asked if Mr. Armstrong has ever discussed with Mr. Lundberg about the
388 necessary improvements on the property including the backage road and that he would
389 have to pay for it.

390

391 Mr. Armstrong said he has discussed the backage road with Mr. Lundberg on numerous
392 occasions, although he didn't discuss that he would have to pay for it. Mr. Lundberg said
393 he couldn't recall any such discussions. Mr. Armstrong said that he also pointed out to
394 Mr. Lundberg and the two applicants who were interested in the two parcels that there are
395 funds available for economic development to pay for that road.

396

397 Mr. Lundberg denied the discussions and said that he owns the land, he pays for it, and he
398 pays taxes on it. He said this is the first time Mr. Armstrong has informed him about this.
399 He is upset because this came up yesterday, and because he can't give the land away and
400 because other property owners with more activity on their properties aren't being forced
401 to make such improvements.

402

403 Mr. Sedlacek said the backage road was on the Berlin Township Comprehensive Land
404 Use Plan and the BZC approved it for the Fox Haven development. That cannot be
405 negated just because a buyer wants to purchase a small piece of property.

406

407 Mr. Lundberg said that his information indicates that the backage road isn't on that piece
408 of the property and a brand new sheet was started. Mr. Kenny and Mr. Vince passed on
409 the purchases and this is all new.

410

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411 Mr. Hahn said that the issue was probably referred to the BZC because it led the planning
412 on the backage road to Mr. Lundberg's property on U.S. Route 23. He said he chaired
413 that effort and the county, the Ohio Department of Transportation, and some of the
414 property owners were involved in those meetings. That has also been done to a lesser
415 extent on the other backage roads along U.S. Route 36/37.

416
417 Mr. Lundberg said nobody included him on any of those efforts. Mr. Hahn said he
418 wasn't one of the property owners at the time the details were being planned. He said
419 that backage roads are generally asked to be 500-700± from the highway, so if the 300
420 acres lies within the 700' it would probably have a backage road.

421
422 Mr. Lundberg said nobody ever discussed with him that money was available to build the
423 road. Mr. Armstrong said he has had that discussion with Mr. Lundberg. Mr. Lundberg
424 denied the conversations and said he has been trying to sell the 3 acres, but now half of
425 the property will be taken for a road which will be wider than a county road and also have
426 a left turn lane.

427
428 Mr. Hahn said that typically, developers meet with zoning officials prior to a plan being
429 submitted, and sometimes the county attends these meetings. He suggested having such a
430 meeting to unofficially find out what Mr. Lundberg has in mind and to let the property
431 owners know generally the plans for backage roads. He felt that would be more
432 productive than discussing such issues at this meeting.

433
434 Mr. Sedlacek liked Mr. Hahn's suggestion of holding preliminary meetings and he said
435 Mr. Armstrong, two BZC members, Mr. Lundberg, and others could do that. He said that
436 it wasn't reasonable for a person to call yesterday and expect all that to happen the next
437 day. He asked him to contact Mr. Armstrong to set up a meeting for the issues from this
438 point forward to be discussed. However, he noted that there can be no impact from
439 preliminary meetings on issues such as the sewer problems, verbal promises, Mr. Vince's
440 issues, etc.

441
442 Mr. Lundberg said he would be willing to attend such a meeting, and he didn't come to
443 take up all the BZC's time on this issue. He only came here because Mr. Riedel said it
444 was a zoning issue.

445
446 Mr. Armstrong said that he was involved in many preliminary meetings which involved
447 Gus Comstock and Mr. Peoples, as well as others. Mr. Hahn said that Mr. Lundberg has
448 a right to be frustrated. He has worked with Mr. Lundberg in the past. Something that
449 frustrated many, including the township trustees, was the dilemma that Charlie Vince
450 went into on the sewer lines with the EPA, which had some ridiculous positions.

451
452 Mr. Hahn said Mr. Lundberg was very reasonable to work with and he understood that it
453 would be frustrating to be 76 and have all that money tied up in land that he couldn't use.
454 Mr. Sedlacek noted that the BZC is also easy to work with.

455
456 Mr. Sedlacek asked Mr. Lundberg to contact Mr. Armstrong after this meeting to discuss
457 the money that is available, his conversations with Mr. Comstock, etc. He said that if Mr.
458 Armstrong feels that a preliminary meeting is in order, one can be arranged. He said it
459 would be necessary to go to the zoning office first as none of this is really a BZC issue.

460
461 Mr. Lundberg said that there are 12 people sitting in the DCRSD office being paid by
462 Delaware County to deal with sanitary sewer issues, and he stated that half of them don't
463 have a clue. He asked why 12 employees were necessary.

464
465 Mr. Sherman said that regarding the meetings held for properties along U.S. Route 23,
466 ODOT, and not the county or any other entity, controls what goes on along U.S. Route
467 36/37. ODOT doesn't want anybody turning in or off or across the median or anyplace
468 in-between. Thus the backage roads are necessary for new developments.

469

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
DECEMBER 14, 2010**

AGENDA ITEM: ANY BUSINESS FROM ZONING INSPECTOR

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Mr. Armstrong distributed an article from the Columbus Dispatch regarding watershed control, and he said that the Mid-Ohio Regional Planning Commission (MORPC) seems to be trying to drive it and gain control of planning and development within watershed districts.

Mr. Armstrong said that the MORPC is trying to gain control of the planning and development within the Big Walnut and Olentangy Watersheds. In Berlin Township there is a small percentage of the Olentangy watershed from the railroad tracks to the west, and the rest of the township is based in part in the Big Walnut watershed.

Mr. Armstrong said that the MORPC has also approached the trustees of the various townships to ask them to approve a resolution that would obligate the township to adhere to the rules which it establishes within the watershed. Such regulations would deal with setbacks from streams and other waterways. This is something the BZC should be aware of at this point and on board with in very short order, and he suggested that they may want to discuss this with the trustees, particularly Ron Bullard. Mr. Sedlacek said he would do so.

Mr. Armstrong encouraged residents to get in contact as well if they are interested in planning, etc. MORPC is an agency which isn't really part of the local scene but will be involved in 12 counties in trying to set rules for development within those areas. That could have a drastic impact on those areas.

Mr. Sedlacek noted that the next BZC meeting will be held on 1/11/11 at 7:00 p.m.

SYNOPSIS

Accomplished

- The following resolution was passed:
Resolution 10.12.14.#1: Initiate the Review Process for Article 22: Sign and Billboard Regulations

Homework

- Mr. Armstrong will arrange a trip view the wind turbine at the Byers dealership along I-270 for a preliminary wind turbine subcommittee consisting of BZC members, Mr. Armstrong, and possibly resident Dave Leahy.
- In order to become more informed regarding wind turbines, BZC members will independently visit the Byers Volvo Dealership, located along U.S. 23, to view its wind turbine and ask questions of a Byers representative.
- BZC members are encouraged to inform themselves as soon as possible regarding the MORPC's attempt to gain control of the watersheds in Berlin Township, and to contact Berlin Township trustee Ron Bullard regarding this.

Future Work

- A preliminary meeting may be set up with Dave Lundberg to discuss what he has in mind for his property, and to discuss the proposed backage roads.
- The BZC is considering creating a list, for internal use only, which would be a "Cheat sheet"/informal guidance document to include a list of items which should be reviewed for re-zonings, including reasons why a property shouldn't be rezoned in a certain classification per information included in the CLUP, such as incorrect density, lack of sewer service; clarification regarding what is intended by Transitional Planned Unit Developments; etc.

There was no further business to come before the Commission. Motion to adjourn.
Meeting adjourned.

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Rick Sedlacek, Chairperson

Kristin Yorke, Vice-Chairperson

Jim Hahn, member

Rae Kerlin, member

Betty Bringardner, first alternate member, seated

Attest: _____
Lisa F. Knapp, Berlin Township Zoning Clerk