

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING  
SEPTEMBER 13, 2011, 7:00 PM**

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. Korleski led the meeting attendees in the recitation of the Pledge of Allegiance.

9  
10 **BZC Members Present:** Rick Sedlacek, Kristin Yorko, Jim Hahn; Jerry Valentine, Toni  
11 Korleski.

12  
13 **BZC Member Absent:**

14 Betty Bringardner.

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

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

20  
21 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this  
22 meeting, which was published on August 30, 2011 in the Delaware Gazette, providing  
23 notification of the meeting date, time, and items for discussion.

24  
25 *BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC MEETING*

26  
27 *The Berlin Township Zoning Commission will hold a public meeting September 13, 2011*  
28 *at 7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Road, Delaware, OH*  
29 *43015. The purpose of the meeting is to hear a request from MAKAPA, LLC for an*  
30 *extension of the approved preliminary development plan for 89.4 acres situated on the*  
31 *East Side of Gregory Rd, between Cheshire and Berlin Station Roads, as well as any*  
32 *other business that comes before the Commission. The person responsible for giving*  
33 *notice of the public meeting by publication is Cathy Rippel. Township residents are*  
34 *encouraged to attend.*

35  
36 *BERLIN TOWNSHIP ZONING COMMISSION*

37 *Rick Sedlacek, Chairman*

38  
39 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

40  
41 Mr. Sedlacek asked the meeting attendees to introduce themselves.

- 42 • Joe Korleski, Berlin Township BZA member, 3584 Greenville Dr.
- 43 • Ron Sabatino, with T&R Properties, 3895 Stoneridge Lane
- 44 • Heidi LaRoche, with Ron Sabatino's office, 3895 Stoneridge Lane
- 45 • Rob Stambaugh, present on behalf of John Stambaugh, 390 S. 3 B's & K Road
- 46 • Dave Davis, with Flyaway Farms 1950 Lackey Old State Road, Delaware, OH
- 47 43015
- 48 • Marti Davis, 1950 Lackey Old State Road, Delaware, OH 43015

49  
50 **AGENDA ITEM - APPROVAL OF MINUTES**

51  
52 Mr. Valentine made a motion to approve the minutes from 7/12/11 as presented. Ms.  
53 Yorko seconded the motion. All in favor say, "aye," all opposed signify with same sign.  
54 No opposition, motion carried, minutes approved.

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**AGENDA ITEM – RON SABATINO REQUEST FOR A ONE YEAR EXTENSION OF THE APPROVED PRELIMINARY PLAN FOR THE ESTATES OF SHERMAN LAKES**

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Mr. Sabatino said the Estates of Sherman Lakes is a small subdivision of 39 lots on Africa Road that was approved by the township several years ago, and he noted that extensions have been granted by the township in the past for the development due to the economy. This request for an extension coincides with the extension granted at the end of last month from the Delaware County Regional Planning Commission to proceed with the subdivision.

Mr. Sabatino said that the subject extension differs from the prior extensions. The prior extensions were requested because the economy was slow, and he noted that it is a good plan that has been modified a few times per the township's request after its initial approval.

Mr. Sabatino said that the developer is ready now to proceed with developing the subdivision. If all goes well and the applicant receives approval by the Delaware County engineer's office, he intends to not only commence the plan but also complete it this year. He has been blessed with some absorption from Ryan Homes, the builder in the Sherman Lakes development, which is located across the street. Ryan Homes has built a number of homes in that subdivision.

Mr. Sabatino said that the subject development is the Estates of Sherman Lakes, and it is contiguous and adjacent to Sherman Lakes. It differs from Sherman Lakes in that it was modified per the request of Berlin Township to have larger lots, and is somewhat of a conservation subdivision in that the parcel is 40 acres, but only 39 lots are being built upon. That is a density of less than 1 dwelling unit per acre, and there will be a lot of open space with lakes and fountains.

Mr. Sabatino noted that the lots in the subdivision are also wider than those at Sherman Lakes at 100', and the homes will be even more upscale than those in Sherman Lakes. He is here to request an extension that is different than the previous extension which requested that the plat be extended because of the slow economy.

Mr. Sabatino said that the subject property is ready to be built, including paying sewer tap fees, fees to the township, etc. and will result in people moving into the area, which is an improvement over the past few years.

Mr. Sedlacek asked what the plans for the Estates of Sherman Lakes originally were. Mr. Armstrong said that it was approved in 2004 as an FR-1 with a PRD overlay zoning. Mr. Sedlacek asked when the current extension expires.

Mr. Armstrong said that the extension request by Mr. Sabatino was filed prior to the expiration this month.

Mr. Valentine said that at the last hearing, Mr. Sabatino discussed sidewalks in the subject community. Mr. Sabatino said that conversation was generated by the BZC and was regarding the ditch. The discussion then evolved into whether there would be a bike path or a sidewalk, after the main bike path is extended to the lots. He had asked whether a sidewalk could be built instead of a bike path because it is easier and works better for a builder to not have asphalt built intermittently. A sidewalk is easier to match up on a lot-by-lot basis.

Mr. Sabatino said the plan that was submitted to the township indicates that two words were changed from the original plan; the original required that a bike path would be built through the lots, and the revised plan indicates that a bike path or sidewalk.

Mr. Sabatino said that the DCRPC approved the plan with a modification. He asked that, if the BZC chooses to approve the requested extension, that it consider amending the text

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117 to indicate, "bike path or sidewalk at the discretion of the BZC." He felt that this is a  
118 minor change that is within the Commission's authority to change.

119

120 Mr. Valentine said that an extension of a plan is a different situation than a modification  
121 to a plan. Mr. Hahn said that when the plan was originally approved, it was known that  
122 every lot would not be built at the same time. Thus, the same problem existed at that  
123 time that is being discussed now.

124

125 Mr. Hahn said that per federal regulations, a bike path must be a minimum of 8' wide. A  
126 sidewalk is only 5' and that cannot be classified as a bike path; there could be problems  
127 with allowing bike paths on it. Mr. Sedlacek asked for clarification on that matter. Mr.  
128 Hahn said that there are certain specifications for bike paths, and the applicant agreed to  
129 those when the original plan was approved.

130

131 Mr. Hahn said that he didn't mind the extension request, but he didn't want to grant  
132 modifications because the argument Mr. Sabatino is making now was also true when it  
133 was first approved; the applicant knew the situation at that time and that there would end  
134 up being starts and stops on the bike path. To bring up something now that should have  
135 been brought up during the original process is not right.

136

137 Mr. Sabatino said that he is prepared to build a bike path if required and he noted that Mr.  
138 Hahn wasn't present at the last meeting in July 2011. Mr. Hahn said he was not present  
139 for that meeting, but he was present in 2004 when this was first brought up. That plan  
140 also included an RV storage lot which was removed and 5 more lots were created as a  
141 result.

142

143 Mr. Sabatino said that the builder is also building in the development across the street,  
144 and he brought up the issue. The builder is prepared to build either a bike path or a  
145 sidewalk, and the discussion at the BZC hearing this past July was regarding what is  
146 better for Berlin Township. The question is whether a bike path works better for a  
147 subdivision which is, in essence, a long cul-de-sac.

148

149 Mr. Sabatino said that the lots are set back hundreds of feet from Africa Road and a bike  
150 path will be built to that first lot. He asked, is it better for the township and the  
151 homeowners to have a sidewalk or a bike path for those 39 lots?

152

153 Mr. Hahn said that this argument was also true in 2004 and it hasn't changed. He opined  
154 that Berlin Township doesn't have enough bike paths at this time and it is trying to obtain  
155 more. The subject development was an early start to the bike path system, and backing  
156 off now isn't right. It won't do any good to have a bike path that dead-ends to the first lot  
157 in this development.

158

159 Mr. Hahn said that extending a bike path from Africa Road to the first lot is ridiculous.

160 Mr. Sabatino said that he is not requesting that the bike path be eliminated, and it will  
161 connect to the Sherman Lakes and be built all the way up Africa Road to connect to the  
162 next development. The issue is whether a bike path built in front of these 39 lots is what  
163 the residents of these half-million-dollar homes will want, or whether they would want a  
164 sidewalk that is more appropriate for this type of development.

165

166 Mr. Sabatino said that during the July meeting, Mr. Sedlacek suggested also considering  
167 the modified ditch system as another modification. Mr. Hahn said that he is aware of that  
168 and has no problem with that. However, he doesn't want to approve the modification at  
169 this time. He suggested considering the requested extension now, and considering the  
170 other requested modifications at another time.

171

172 Mr. Sedlacek said at the meeting, the BZC will evaluate and vote on the extension  
173 without modifications. The two items would need to be independent. Mr. Armstrong  
174 suggested that if modifications are to be made to the plan that they are done as a

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175 submittal as is typically done, to be treated separately. The urgent issue now is the  
176 extension of the zoning.

177

178 Mr. Armstrong said that the Delaware County Engineer and other parties are waiting to  
179 hear the BZC's decision regarding the extension. Mr. Sedlacek agreed. Mr. Sabatino  
180 also agreed, and said that he will discuss with the builder whether he wishes to request  
181 the modifications in the future.

182

183 Mr. Hahn said that this development plan was approved during a BZC meeting in June  
184 2004, and he questioned the legality of that meeting as it was approved after a judge ruled  
185 that BZC members Ron Bullard and Tom D'Amico should not have been terminated  
186 from the BZC by the township trustees at that time; that action was unconstitutional.  
187 Thus, the appointments to replace them on the BZC were void, which meant that the  
188 majority of the BZC present at that hearing that voted have been ruled voided by the  
189 judge.

190

191 Mr. Hahn said that Dave Yost was the judge who made that ruling, and he felt that could  
192 have been challenged in court whether that ruling was legal. Within a few months, one  
193 trustee resigned and the other was imprisoned, but he still felt that the June 2004 BZC  
194 meeting was improper. However, he will accept that it was proper, and was pleased that  
195 it was negotiated to delete the boat storage and the 5 extra resulting lots didn't bother him  
196 either.

197

198 Mr. Hahn said that the issues Mr. Sabatino just brought up are not new; the plan was  
199 considered, discussed, and voted on the way it was. The issues should have been settled  
200 at that time.

201

202 Ms. Korleski said that she has some comments on the requested modifications. She was  
203 in favor of the extension being granted, as building is desirable. Also, the modified ditch  
204 is a good idea because curbs can't be built. Also, she believed that sidewalks are better  
205 options because this development will have upscale housing; if she lived in an upscale  
206 home, she would not want a bike path and would rather see a sidewalk.

207

208 Ms. Korleski asked if there would be a modified ditch beside the road, then the sidewalk.  
209 Mr. Sabatino said that was correct, and that there would be a sidewalk or a bike path. Ms.  
210 Korleski asked whether the sidewalk would be closer to the house than the modified  
211 ditch. Mr. Sabatino said the order would be road, then the ditch, then the sidewalk or  
212 bike path.

213

214 Ms. Yorko had no comments regarding the extension request. Mr. Sedlacek suggested  
215 addressing the extension now and discussing the changes later. He would be open-  
216 minded, but wants to the builder to investigate what it would take to build a modified  
217 ditch, as that would be better for the neighborhood and all parties.

218

219 Mr. Sabatino agreed and said he would suggest that to the builder and also that if a  
220 sidewalk is desired, a modified ditch should be installed.

221

222 Ms. David, a Realtor, said that in her opinion, a sidewalk is more attractive in front of  
223 homes than a bike path, and buyers of expensive homes will expect to see sidewalks.

224

225 There were no comments from the zoning inspector.

226

227 Mr. Sedlacek asked that Mr. Sabatino report the comments from this hearing to Ryan  
228 Homes. If the developer wishes to make any changes, he will come back before the BZC  
229 for consideration of such in the future. Mr. Sabatino agreed to so do.

230

231 Mr. Sedlacek said that the letter from the applicant requests a one-year extension and Mr.  
232 Sabatino has indicated that there will be some activity on the site by the end of this year.  
233 Mr. Hahn asked whether that would be a long enough time period. Mr. Sabatino said,

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234 “Yes.” Ms. Knapp asked whether that would be a year from today. Mr. Sedlacek said  
235 that it would one year from the expiration date.

236

237 **Resolution 2011.09.13.#1: Approve Ron Sabatino’s Request for a One Year**  
238 **Extension of the Approved Preliminary Development Plan**  
239 **for the Estates of Sherman Lakes**

240

241 Mr. Hahn made a motion to approve Ron Sabatino’s request for a one year extension,  
242 from current expiration date, of the approved preliminary development plan for the  
243 Estates of Sherman Lakes.

244 Ms. Yorke seconded the motion.

245 Vote: Hahn, yes; Yorke, yes; Valentine, yes; Korleski, yes; Sedlacek, yes. Motion  
246 carried.

247

248 **AGENDA ITEM: REQUEST BY JOHN STAMBAUGH FOR A ONE YEAR EXTENSION OF THE**  
249 **APPROVED PRELIMINARY DEVELOPMENT PLAN AT 390 S. 3 B’S & K ROAD**

250

251 Rob Stambaugh, representing his father John Stambaugh, was present to provide  
252 information to the BZC and to answer questions.

253

254 Mr. Stambaugh said that he was requesting an extension of the plan for one or two years.  
255 If an extension is granted, he intends to begin in the spring. It will be developed in  
256 phases, and he would like to get some of the operation going in order to generate some  
257 revenue. He feels that his request is necessary in this struggling economy in order to be  
258 able to complete everything.

259 Mr. Stambaugh said he intends to put the building up in the spring of 2012. Mr. Sedlacek  
260 asked him to provide some background information regarding what was originally  
261 approved and what he intends to do at the subject location.

262

263 Mr. Stambaugh said his plan is to sell and distribute performance parts and auto parts  
264 from the site. He said that the word, “repair,” doesn’t really apply to his business, but it  
265 is close. Manufacturing could also describe it, as it deals with car chassis, etc. and  
266 assembly will be done, as well as repairs on used chassis, etc. However, the majority of  
267 the business will be fabrication, including building aluminum bodies, etc.

268

269 Mr. Stambaugh said that it is difficult for him to explain what the business does in exact  
270 detail, but his company manufactures racecars, installs bodies on racecars, sells parts for  
271 racecars, and also sells parts to other people.

272

273 Mr. Hahn said that he recalled from the applicant’s original presentation that most of the  
274 sales will be via internet to service racetracks in Ohio. Mr. Stambaugh said that was not  
275 entirely correct and he would service certain racers and people who purchase those  
276 chassis. The building is sizeable because he would like to be able to expand and have  
277 internet sales in the future. However, the company is not currently selling on the internet  
278 and that is on hold.

279

280 Mr. Sedlacek asked where the current work is being done. Mr. Stambaugh said that his  
281 company currently sells parts through his shop located on Route 36/37. He is anxious to  
282 get things going now, as it took a lot of work to get that shop going and he would like to  
283 get everything put into one building now. The entire situation has been very time  
284 consuming and it has been financially difficult for the company.

285

286 Ms. Korleski noted that she was not present for the prior hearings for the subject  
287 property, and she asked about the business on Route 36/37 that was mentioned. Mr.  
288 Stambaugh said that he and his father own Alum Creek Towing Inc. He explained that  
289 the building at the front of that property burned down.

290

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291 Ms. Korleski asked whether it was correct that he purchased the building on 3 B's and K  
292 and he wishes to build there so that the entire operations can move to that location. Mr.  
293 Sedlacek added that was approved by the BZC earlier.

294

295 Mr. Sedlacek said he recalled from that hearing that there would more high-performance  
296 parts sales than fabrication occurring at the site. Mr. Stambaugh said it is due to the time  
297 that the business was down after the fire. He needs the building and the space to  
298 recuperate the business and get it back to where it needs to be.

299

300 Ms. Korleski asked what the extension was for. Mr. Stambaugh said that it expires in a  
301 couple days. Ms. Korleski said that the business is already operating in the building on  
302 Route 36/37, and she asked what exactly the extension was needed for.

303

304 Mr. Armstrong explained that that the property at 390 3 B's and K Road was rezoned  
305 originally as planned industrial, and a preliminary plan was done that was the rezoning of  
306 the property, as well as the preliminary plan. Now the applicant is requesting an  
307 extension of the preliminary plan.

308

309 Mr. Armstrong said that he met with the Stambaughs and their architect recently, and the  
310 final plans are currently being done. He noted that the water and runoff calculations  
311 remain to be done with the county engineer's office, but they are in the process of doing  
312 that in order to get the plat approved. The applicant will be back before the BZC with a  
313 final development plan, which has not been submitted yet.

314

315 Mr. Sedlacek said that a time limit must be specified for the extension, and he asked  
316 whether it was correct that the BZC rarely has granted more than a year. Mr. Armstrong  
317 said that has only happened in one case that he can recall.

318

319 There were no additional questions from the public or from the BZC members.

320

321 Mr. Sedlacek asked Mr. Stambaugh whether a one year extension would be sufficient.

322

323 Mr. Stambaugh said that he had mentioned a 1-2 year extension because he wasn't

324

325 certain. If the extension is granted, he intends to begin construction in the spring.

326

327 However, that will be dependent on revenues and the weather. He asked whether the  
328 requested extension would be for the indoor/outdoor storage.  
329 Mr. Stambaugh said that the indoor/outdoor storage would be done in phases and he  
330 asked whether it was correct that the phasing was not relevant to the time extension. Mr.  
331 Sedlacek said that was correct. Mr. Stambaugh asked whether it was correct that if he  
332 requests a year extension, he has a year to get started. Mr. Sedlacek said that was correct.  
333 Mr. Stambaugh said that in that case, a 12-month extension would be sufficient.

332

333 Mr. Sedlacek noted that the BZC prefers to not grant extensions, but he understands that  
334 the economy has caused some of these issues.

335

336 **Resolution 2011.09.13.#2: Approve John Stambaugh's Request for a One Year**  
337 **Extension of the Approved Preliminary Development Plan for 390 S. 3B's & K Road**

338

339 Ms. Yorke made a motion to approve John Stambaugh's request for a one year extension,  
340 to expire 9/14/12, of the approved preliminary development plan for 390 S. 3B's and K  
341 Road.

342

342 Ms. Korleski seconded the motion. Motion carried.

343

343 VOTE: Yorke, yes; Korleski, yes; Valentine, yes; Hahn, yes; Sedlacek, yes.

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348 **AGENDA ITEM: HEARING REGARDING MAKAPA, LLC.'S REQUEST FOR EXTENSION OF**  
349 **APPROVED PRELIMINARY DEVELOPMENT PLAN FOR PROPERTY LOCATED ON THE**  
350 **EAST SIDE OF GREGORY ROAD, BETWEEN CHESHIRE AND BERLIN STATION ROADS**  
351

352 Mike Shade, attorney representing Makapa, LLC. said that the subject property was  
353 originally a project that was brought forward by Dominion Homes and involved a 65-lot  
354 proposed subdivision, located behind a school. There have been some issues, however,  
355 the major one being that a large piece of road is single-loaded and that makes it very  
356 difficult to find a buyer for the property because a lot of road has to be built back prior to  
357 any lots being sold.

358  
359 Mr. Shade said that Dominion Homes had some financial difficulties and his client  
360 purchased the property, relieving Dominion Homes of that responsibility, but now his  
361 client owns property with a preliminary plan. His client doesn't have any problems with  
362 the preliminary plan but there has been no interest by any parties to purchase the  
363 property.

364  
365 Mr. Shade said that given the current economic climate, his client has requested a 3-year  
366 extension of the approved preliminary development plan. He is concerned about housing  
367 in general, and he noted that further down the road in the City of Delaware, the Glen  
368 Ross development was to consist of 628 housing units. He hasn't counted them  
369 individually, but at the most 150 homes have been built there so far due to the economy,  
370 which is holding back development in the area.

371  
372 Mr. Shade said that he read an article today that indicated that there may be a turn in the  
373 general economy at the end of 2012, but the housing market may not come back until  
374 2015. Existing projects where infrastructure has already been built are being finished  
375 out, and he listed several examples. However, the subject property doesn't have any  
376 infrastructure in place.

377  
378 Mr. Shade said that it is difficult to predict where the economy will be and when the  
379 market for housing will be back. He has had one inquiry by a good builder to purchase  
380 the entire project and has met with that entity. However, that builder has many more  
381 questions than he has answers for at this time.

382  
383 Mr. Sedlacek said that Glen Ross wouldn't even have the 150 homes built except for the  
384 fact that Fischer Homes came in. Mr. Shade said that the infrastructure including sewer  
385 and roads is already there. The difficulty lies in developing raw property. Just running  
386 the sewer to the site involves several hundred yards of sewer line and that is very  
387 expensive.

388  
389 Mr. Sedlacek asked to where the sewer extends at this time. Mr. Shade said that it has  
390 only been extended to the school mentioned earlier in this hearing. Mr. Hahn asked  
391 whether that line is sufficient to be extended to the subdivision. Mr. Shade said that it  
392 was his understanding that it is. Mr. Armstrong agreed.

393  
394 Mr. Sedlacek said that the third paragraph of the request states, "At the present time..."  
395 and he asked what that meant. Mr. Shade said that a different developer may want to  
396 purchase the property and may need some changes, which would have to be considered  
397 by the BZC. Also, the final plan still needs to be approved by the BZC.

398  
399 Mr. Valentine asked what the original timeframe was when the request was approved.  
400 Mr. Armstrong said that it was approved in 2007 and it was done as part of the school.  
401 At that time, Dominion Homes was required to provide property to the Olentangy Local  
402 School District as part of the agreement. Phase 1 was considered to be started when the  
403 ground was broken for the school,

404  
405 Mr. Valentine asked how long the original permit was for. Mr. Armstrong said that it  
406 was for 3 years because the school had been started and the final plan was approved for

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407 the school. Mr. Valentine said that it has been stated tonight that a one-year extension is  
408 the maximum typically granted by the BZC, but the applicant is requesting 3 additional  
409 years.

410  
411 Ms. Yorko added that an additional 3-year extension was granted and in 2010 another 1-  
412 year extension was granted. Mr. Valentine said that if a 3-year extension was granted, it  
413 would be 3 years to start something, not to complete the development.

414  
415 Mr. Sedlacek asked why the applicant was requesting 3 years instead of just 1 year. Mr.  
416 Shade said that was frankly a random amount of time. He is trying to get a feel for the  
417 general economy and when the housing market will experience an increase. He noted  
418 that there are 10-12,000 existing lots of housing stock in developments in the county  
419 that have been already platted and infrastructure in place. Those properties will probably  
420 develop first. Additionally, there are foreclosures, forced sales, short sales, etc. that  
421 affect the housing market. He opined that there are many factors that make this situation  
422 not very promising going forward.

423  
424 Ms. Korleski asked whether the applicant was stating that he has the approved  
425 preliminary development plan and he wants an extension on that plan, but he is trying to  
426 sell that property. Mr. Shade said that his client wants to find a good buyer that will  
427 develop a quality product for the community.

428  
429 Ms. Korleski said it seems that the applicant can't move forward until a developer is  
430 found for the property, and the property is for sale. Mr. Shade said that was correct.

431  
432 Ms. Yorko stated that she is uncomfortable with granting a 3-year extension. Mr. Hahn  
433 agreed and said he had no problem with granting 2 years. Mr. Sedlacek agreed that 3  
434 years is a long time. Mr. Shade commented that the housing situation is currently, "a  
435 mess."

436  
437 Mr. Hahn said that the only reason he would agree to a 2 year extension because the  
438 property owner will have to build a road from Gregory Road all the way past the school,  
439 and that is a lot of work.

440  
441 There were no comments from the public or from the zoning inspector.

442  
443 **Resolution 2011.09.13.#3: Approve Makapa, LLC's Request for a Two Year**  
444 **Extension of the Approved Preliminary Development Plan**

445  
446 Mr. Hahn made a motion to approve Makapa, LLC's request for a two year extension,  
447 from the current expiration date, of the approved preliminary development plan for  
448 property located on the east side of Gregory Road, between Cheshire and Berlin Station  
449 Roads. Ms. Korleski seconded the motion.

450 VOTE: Hahn, yes; Korleski, yes; Valentine, yes; Yorko, yes; Sedlacek, yes. Motion  
451 carried.

452  
453 **AGENDA ITEM: ANY BUSINESS FROM THE ZONING INSPECTOR**

454  
455 Mr. Armstrong said that at their meeting last night, the township trustees approved the  
456 two zoning cases BZC #11-001 and BZC #11-0022, which were the changes to the sign  
457 code and also the change to the definitions to add the school pride signs.

458  
459 Mr. Armstrong noted that the trustees passed the changes to Article 22, with the  
460 exception of Section 22.02 w) which was the portion of historic Village of Cheshire  
461 information and/or directional signage. That language was deleted by the trustees, who  
462 asked him to convey that information to the BZC tonight.

463  
464 Mr. Armstrong said that the reason for this was that the language had stated that, "the  
465 sign would be developed in conjunction with the Zoning Commission, township trustees

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466 and/or designee,” and the trustees felt that they should not be a part of implementing  
467 signage for any entity because the township would not want to pay any money.

468

469 Mr. Armstrong noted that the trustees stated that they will discuss this with him and the  
470 BZC chair in the future. Mr. Sedlacek said that the trustees can make any changes they  
471 want. Mr. Hahn said the trustees probably want to discuss it with the chairperson.

472

473 Mr. Sedlacek said that he was concerned about the topic of fees, and he said that isn't an  
474 issue that the BZC has ever been involved with or wants to be involved with. Mr.  
475 Armstrong said that was correct, and that the trustees felt that if the language were  
476 approved as requested, the BZC would be requested to provide funding for the sign if the  
477 zoning resolution were to provide the capability of the sign, and that is why they did not  
478 want to approve that paragraph until the issue was discussed with the BZC chairperson.

479

480 Ms. Korleski asked if the dissent was limited to section w). Mr. Armstrong said that was  
481 correct. Mr. Sedlacek asked which trustees objected to the language. Mr. Armstrong  
482 said that trustee Ron Bullard made the suggestion, and it was discussed and voted upon  
483 by the entire Board.

484

485 Mr. Sedlacek asked that Mr. Armstrong contact the trustees and inform him that the  
486 situation has been explained to the BZC and that he would be willing to meet to discuss  
487 the issue. He can then take that discussion back to the BZC at the next meeting for  
488 discussion.

489

490 Mr. Sedlacek asked whether the changes to Section 11.02 were passed by the trustees.  
491 Mr. Armstrong said, “Yes,” and that section 11.01 was also passed with the indicated  
492 exclusion of section w).

493

494 There were no further comments regarding this. Mr. Sedlacek asked the BZC whether it  
495 objected to him meeting with a trustee and Mr. Armstrong and then reporting back to the  
496 BZC. No objections were stated.

497

**AGENDA ITEM: OTHER BUSINESS**

498

499

**Copy of Revised Zoning Resolution**

501 Ms. Korleski said she would like to have a copy of the zoning changes once they have  
502 been officially approved. Mr. Armstrong said that the trustees approved the changes last  
503 night, and there will be a 30-day referendum period per Ohio law. After that period, they  
504 will be published. The keeper of the master record is Scott Sanders, executive director of  
505 the Delaware County Regional Planning Commission.

506

507 Mr. Armstrong said that at the end of that 30-day period, Zoning Secretary Cathy Rippel  
508 will update everyone's copies.

509

**Payments to BZC for Additional Work**

511 Mr. Hahn said that in 2006, the BZC worked with the township trustees, who approved  
512 via resolution a method for BZC members to be paid \$50, in addition to the meeting  
513 stipend, for work that required a lot of extra work.

514

515 The Ohio Public Employee Retirement System rules indicate that if one misses two  
516 meetings in a row, one's pension savings are reduced, in fact by less than one pays per  
517 month into the system. He noted that he missed the July and August 2011 BZC meetings,  
518 so this affected him. Mr. Hahn has been attending several additional meetings recently  
519 regarding the road/sewer issue, so a way for this issue to be mitigated for him was to  
520 implement the method from 2006 that he had mentioned.

521

522 Mr. Hahn said that he requested the additional amount after discussing the issue with  
523 trustee Phil Panzarella, who has attended some of the additional meetings with him. He  
524 said he wanted to inform the other BZC members of this option in case they experience

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525 this issue in the future. He said the process includes the completion of a form, which is  
526 submitted to the township for approval and payment.

527

528 Memorandum of Understanding (MOU) Meetings for Proposed Access Road

529 Mr. Hahn said that in June 2011 at the meeting regarding the MOU it was agreed that the  
530 work on the access road itself would be stopped, and a sub-team of the overall forum  
531 working on the access road focus strictly on sewer in that area. Included were all the  
532 property owners along Route 36/37 not just those within the area where the proposed  
533 access roads will be located.

534

535 Mr. Hahn said the first meeting regarding sewer alone was held on 9/7/11. Dave and Jack  
536 Lundberg and other property owners from the subject area were in attendance along with  
537 Jack Smelker and Tiffany Jenkins from the county sanitary sewer department. Mr. Hahn  
538 said that Jack Lundberg presented an idea that he had already presented at the June  
539 meeting to the access route forum to consider a preliminary plan for a zero-discharge  
540 sewer treatment plant that would not require a long sewer run down to Alum Creek  
541 reservoir.

542

543 Mr. Hahn said the purpose for that alternative was two-fold. Firstly, it would not require  
544 extensive discussions with the Army Corp of Engineers, and secondly, it would reduce  
545 much of the initial cost of the project. He asked if Mr. Smelker or Ms. Jenkins had any  
546 major concerns about that proposal, and they did not. There was an agreement that Jack  
547 Lundberg would meet with Mr. Smelker to answer several questions Mr. Hahn posed at  
548 the meeting, and report the results at the next meeting on 10/5/11.

549

550 Mr. Hahn said that the proposed plant would be similar in concept to what is being done  
551 at Northstar in Berkshire Township. It would have up to seven stages where it would be  
552 built out as property owners develop their properties along Route 36/37, both  
553 residentially and commercially.

554

555 Mr. Hahn said the questions included, how satisfied is the sanitation department  
556 regarding the proposed phasing? What suggestions does that department have regarding  
557 the phasing and the ultimate coverage by the plant? Also posed were some questions  
558 regarding financing.

559

560 Mr. Sedlacek asked whether placing the system on the Lundberg property was being  
561 proposed. Mr. Hahn said that subject is open at this time, and he asked the Lundbergs to  
562 come to the BZC with their ideas for the property. Not much sewer may be required on  
563 the Lundberg property if they go through with the plan.

564

565 Mr. Hahn said he asked Jack Lundberg at the meeting how the ultimate disposition of his  
566 property would influence his interest in the zero-discharge plant. Mr. Lundberg said that  
567 such a plant could possibly be a profitable corporation for which shares could be sold.  
568 Mr. Hahn said that Mr. Lundberg mentioned that Berlin Township officials had originally  
569 discussed floating some bonds for the original plan by Charlie Vince. Mr. Hahn said that  
570 he responded that he didn't think the township could legally purchase shares of a  
571 corporation.

572

573 Mr. Hahn noted that any plan that would be considered by the Delaware County  
574 Commissioners would be with the county sanitation department's understanding and  
575 approval. He said the process is moving along; the access road discussion is on hold  
576 while the sewer issue is resolved, because that must be approved prior to access roads.

577

578 Ms. Yorke said that Mr. Hahn mentioned that this would be for the Lundberg property  
579 and for homes located along Route 36/37. As a Dunham Road resident, she worries that  
580 this will cut her property off from sewer forever as there would be no reason for the  
581 county to run sewer service to just 25 homes.

582

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583 Mr. Hahn said that the facility may not be located on the Lundberg property and that will  
584 be determined on the plan. Also, whatever happens in that area will be required to take  
585 the sewer discharge up into Brown Township and where the county says it has to be  
586 covered. It will be built out in phases, and Dunham Road would have to be covered. He  
587 was certain that the sanitation department would not approve any plan that wouldn't  
588 cover the entire drainage area.

589  
590 Mr. Hahn noted that one additional BZC member could attend the meetings if desired.

591  
592 Mr. Armstrong said that during discussions regarding this area in the past, the county had  
593 been very concerned about densities because anything that resulted in a change in the  
594 numbers would also change their finances due to residential taps. He was concerned that  
595 this plant could change the numbers for providing sewer for the rest of the Route 36 area.

596  
597 Mr. Hahn said that it shouldn't and that the county sanitation department had discussed  
598 running the sewer down the west side of Lackey Old State. The original plan had been to  
599 run it down the east side. He provided more information. He said the county's original  
600 estimate to complete a plant would take 7 years; however, a zero-discharge could be  
601 finished sooner and at a lower cost. There was additional discussion regarding this sewer  
602 plant.

603  
604 Mr. Sedlacek said that the next BZC meeting is planned for 10/18/11. However, if there  
605 is nothing pending for the BZC, that meeting could be canceled.

606  
607 **SYNOPSIS**

608  
609 Accomplished

610 The following resolutions were approved:

- 611 ➤ Resolution 2011.09.13.#1: Approve Ron Sabatino's request for a one year extension of
- 612 the approved preliminary development plan for the Estates of Sherman Lakes.
- 613 ➤ Resolution 2011.09.13.#2: Approve John Stambaugh's request for a one year
- 614 extension of the approved preliminary development plan for 390 S. 3B's & K Road.
- 615 ➤ Resolution 2011.09.13.#3: Approve Makapa, LLC's request for a two year extension
- 616 of the approved preliminary development plan.

617  
618 Homework

- 619 ➤ Mr. Sedlacek will meet with a township trustee to discuss the changes made to Article
- 620 XXII, Section 22.02 w) of the zoning resolution.

621  
622 There was no further business to come before the Commission. Motion to adjourn.  
623 Meeting adjourned.

624  
625  
626 \_\_\_\_\_  
Rick Sedlacek, Chairperson

627  
628 \_\_\_\_\_  
Kristin Yorke, Vice-Chairperson

629  
630 \_\_\_\_\_  
Jerry Valentine, member

631  
632 \_\_\_\_\_  
Jim Hahn, member

633  
634 \_\_\_\_\_  
Toni Korleski, member

635  
636  
637 Attest: \_\_\_\_\_  
638 Lisa F. Knapp, Berlin Township Zoning Clerk