

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

TUESDAY, APRIL 25, 2017, 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 Toni Korleski at 7:00 PM.

7
8 Ms. Kaplan led meeting attendees in the pledge of allegiance.

9
10 BZC Members present: Toni Korleski, Jerry Valentine, Darcy Kaplan, Steve Spangler,
11 Ken O'Brien.

12 BZC Alternate members present: BZC 1st alternate member Mike Bardash, BZC 2nd
13 alternate Martin Johnson.

14 Also present: Zoning Clerk Lisa Knapp, Zoning Inspector Chet Heid, Zoning Secretary
15 Cathy Rippel.

16
17 Ms. Korleski read the adopted BZC policy statement for the meeting, as printed in the
18 agenda.

19
20 **AGENDA ITEM: LEGAL NOTICE**

21
22 Ms. Knapp said the meeting was advertised in the 4/15/17 Delaware Gazette as follows:

23
24 *BERLIN TOWNSHIP ZONING COMMISSION NOTICE OF PUBLIC HEARING*

25
26 *The Berlin Township Zoning Commission will hold a meeting for the purpose of public*
27 *hearing April 25, 2017 at 7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire*
28 *Road, Delaware, OH 43015 in order to consider an application to amend the Berlin*
29 *Zoning Resolution, designated as BZC 17-006, filed by Savko Brothers Properties X,*
30 *LLC, 4636 Shuster Road, Columbus, OH 43214. The applicant is requesting approval of*
31 *a preliminary development plan known as Savko Commerce Park, Parcel #418-120-01-*
32 *057-000; from Neighborhood Commercial District (NCD) & Farm Residential District*
33 *(FR-1) to Planned Industrial District (PID) 24.312 ± acres, 5427 S.R. 37 E, Delaware,*
34 *OH 43015.*

35
36 *The text and map of this application will be available for public examination, excluding*
37 *legal holidays; April 13 – April 25, 2017, Monday-Friday from 8:00 a.m. to 4:30 p.m. at*
38 *the Berlin Township Zoning Office located at 3271 Cheshire Rd., Delaware, OH 43015.*
39 *Also, you can find the text and map on the Berlin Township website www.berlintwp.us*
40 *After the conclusion of the hearing, the matter will be submitted to the Board of Township*
41 *Trustees for its action. Questions concerning this matter should be directed to Chet Heid,*
42 *Zoning Inspector at 740-548-5217 x103. The person responsible for giving notice of the*
43 *public hearing by publication is Cathy Rippel. Township residents are encouraged to*
44 *attend.*

45
46 *BERLIN TOWNSHIP ZONING COMMISSION*

47 *Toni Korleski, Chairwoman*

48
49 **AGENDA ITEM: APPROVAL OF MINUTES**

50
51 Mr. O'Brien made a motion to approve the minutes from the 4/11/17 BZC meeting as
52 presented. Mr. Valentine seconded the motion.

53 Vote: O'Brien, yes; Valentine, yes; Kaplan, yes; Spangler, yes; Korleski, yes. Motion
54 carried, minutes approved.

55

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AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES

- 56
57
58 ◆ Jeff Chokreff, 429 N. Old State
59 ◆ Barb Chokreff, 429 N. Old State
60 ◆ Alycia Ryan, 594 N. Old State Road
61 ◆ Rachel Macedonia, 600 N. Old State Road
62 ◆ Anthony Macedonia, 600 N. Old State Road
63 ◆ Graeme Quinn, 355 N. Old State Road
64 ◆ Amy Quinn, 355 N. Old State Road
65 ◆ Joe Korleski, 3584 Greenville Drive
66 ◆ Troy Hendren, Monroe Township, Johnston, Ohio
67 ◆ John Schneider, 455 N. Old State Road
68 ◆ Andrea Schneider, 455 N. Old State Road
69 ◆ Ginny Black, 425 N. Old State Road
70 ◆ Michael Black, 425 N. Old State Road
71 ◆ Donna Tutt, 744 N. Old State Road
72 ◆ Stephen Shelley, 744 N. Old State Road
73 ◆ Pat Paykoff, 2779 Peachblow Road
74 ◆ Archie Foor, 5361 S. R. 37 East
75 ◆ Tina Pryjda, 5300 Baker Road
76 ◆ Brad McElroy, 567 N. Old State Road
77 ◆ Dave Glassburn, 68 N. Old State Road
78 ◆ Tom Grube, 158 Big Run Road
79 ◆ Kelly Grube, 158 Big Run Road
80 ◆ Marty Savko Jr., 6363 Taggart Road
81 ◆ Mel Howard, 6214 Taylor Road SW, Pataskala
82 ◆ Valerie Rowe, 2591 Cheshire Road
83 ◆ Meryl Price, her mother, lives in Westerville
84 ◆ Mike Spain, 700 N. Old State Road
85 ◆ Bev Spain, 700 N. Old State Road
86 ◆ Vanessa Fletcher, 4997 S.R. 37 East
87 ◆ Correy Fletcher, 4997 S.R. 37 East
88 ◆ Ryan Kigar, 5188 Baker Road
89 ◆ Brenda Kigar, 5188 Baker Road
90 ◆ Carol Ann McConnell, 350 N. Old State Road
91 ◆ James McConnell, 350 N. Old State Road
92 ◆ Larry Freeman, 385 N. Old State Road
93 ◆ Hope Burns, 385 N. Old State Road
94 ◆ Kimberly Wooldridge, 440 N. Old State Road.
95 ◆ Dave Mrowzinski, 580 N. Old State Road
96 ◆ Emily Mrowzinski, 580 N. Old State Road
97 ◆ Jennifer Cunningham, 612 N. Old State Road
98 ◆ Tom Scharschmidt, 612 N. Old State Road
99 ◆ Eric Cameron, 345 Plunket Road
100 ◆ Heather Cameron, 345 Plunket Road
101 ◆ Kristy Kinn, 323 Plunket Road
102 ◆ Melissa Wright, 5400 Baker Road
103 ◆ Shawn Wright, 5400 Baker Road
104 ◆ Michael Shade, P.O. Box 438 Delaware, Ohio
105 ◆ Todd Faris, with Faris Planning and Design, 243 N. Fifth Street
106 ◆ Steve Saunders, 1506 Trentwood Road, Columbus Ohio
107 ◆ David Denniston, 422 Beecher Road, Gahanna
108 ◆ Marty Savko, Sr. 4636 Schuster Road, Columbus

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- 109 ◆ Paul Hilderbrant, 501 N. Old State Road
110 ◆ Kim Hilderbrant, 501 N. Old State Road

111

112 **AGENDA ITEM: BZC #16-006 SAVKO BROTHERS X, LLC**

113

114 *BZC 17-006, filed by Savko Brothers Properties X, LLC, 4636 Shuster Road, Columbus,*
115 *OH 43214. The applicant is requesting approval of a preliminary development plan*
116 *known as Savko Commerce Park, Parcel #418-120-01-057-000; from Neighborhood*
117 *Commercial District (NCD) & Farm Residential District (FR-1) to Planned Industrial*
118 *District (PID) 24.312 ± acres, 5427 S.R. 37 E, Delaware, OH 43015.*

119

120 Ms. Korleski read letters from Melissa and Shawn Wright, as well as Michael and
121 Maureen “Molly” King.

122

123

124 *April 20, 2017 to Berlin Township Trustees c/o Chet Held, Zoning Inspector*

125

126 *I would like to voice my opinion in regard to the application to amend the Berlin Zoning*
127 *Resolution, designated as BZC 17-006, filed by Savko Brothers Properties X, LLC, 4636*
128 *Shuster Road, Columbus, OH 43214.*

129

130 *We have been residents of Berlin Township since 2004 and live relatively close to the*
131 *proposed concrete plant. We are concerned that by making the amendment and allowing*
132 *the proposed changes: 1) there will be an increase in heavy truck traffic (either speeding*
133 *up or slowing down to enter or leave the property) causing traffic issues on the*
134 *increasingly busy 36/37, and 2) there will be noticeable air and noise pollution from the*
135 *concrete plant that will be operating next door to residential properties.*

136

137 *We are for progress & economic growth, but feel this proposed concrete plant is too close*
138 *(to private residences) for comfort.*

139

140 *Thank you for listening to our concerns.*

141

142 *Sincerely,*

143

144 *Michael & Maureen (Molly) King*

145

146 *130 Big Run Road*

147 *Delaware, OH 43015*

148

149

147 *Dear Chet Heid and Berlin Township Trustees,*

148

149 *Since I have heard about the possibility of a concrete plant being constructed near me, I*
150 *have not gotten much sleep. I realize if it does happen, that will be normal. My bedroom*
151 *window faces the direction of the plant. Every time I hear a train from several miles away,*
152 *I am reminded of how much sound carries up to our Window. I can hear the traffic on*
153 *36/37 and during the summer, we can hear speed boats from Alum creek. How much more*
154 *sound will be coming from trucks backing up and dumping all hours of the day and night?*
155 *I know that there will have to be lights that shine into my window as well.*

156

157 *Yesterday the farmer did work in the field next to our house, kicking up dust. We had to*
158 *close our windows. That is OK, though, because we chose to live in a Farm Residential*
159 *area, and the fields are treated a few days out of every year. I realize that dust will be*
160 *constant if the concrete plant is built.*

161

162 *Because dust cannot be contained within the plant area, we will not be able to have our*
163 *windows open at all anymore. We have three children: ages 6, 12, and 13. One of them*
164 *has asthma. We will not want them playing outside to breathe in the dust, either. Studies*

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165 *have shown the adverse effect of the air pollution from cement plants on children's health.*
166 *No more camp outs in the backyard for our family with the noise and the dust.*

167
168 *Sometimes getting onto 36/37 is difficult from North Old State. I can only imagine how*
169 *much worse this will be with the concrete plant. I know they are planning to put a*
170 *stoplight for the plant. That will stop people back to North Old State, sometimes blocking*
171 *our road to get on/off at 36/37. The trucks themselves do not get up to speed when they do*
172 *pull out, causing more traffic headaches. I can only imagine that traffic accidents in this*
173 *area will increase significantly, not to mention the wear and tear on our roads with the*
174 *heavy trucks.*

175
176 *We moved into our home 14 years ago to be in a Farm Residential area. I loved driving*
177 *past the cows and seeing the farmers working in their fields. It is a lot like the area I grew*
178 *up in. I bought the house because of the location and area, not because I loved our house*
179 *itself. Lately, I have been considering expanding and improving my house, but if the plant*
180 *comes in, why bother? I will not recoup any of the money spent in selling the house. No*
181 *one would buy it. I would NEVER buy a house behind a concrete plant; why would*
182 *anyone? My windows will have to stay shut, I won't be able to enjoy the outside, and I*
183 *won't be able to sell. My house will become my prison. Our houses would all drop in*
184 *value. Our area will become the polluted, dirty and run down area of Berlin Township.*

185
186 *The area will become a blight to the township. The ugly silos will detract from the Alum*
187 *Creek Area, and how much concrete dust and runoff will go into the reservoir?*
188 *I implore you to vote NO to turning this area into Planned Industrial District. I feel that*
189 *Berlin will lose much more than it will gain by having an Industrial Area.*

190
191 *Thank you for your time in reading this.*
192 *Melissa and Shawn Wright*
193 *5400 Baker Rd.*

194

195

Applicant Presentation

196

197

198 Mr. Shade said he is here requesting the rezoning of 24.212 acres and the preliminary
199 plans accompanying that. This comes to the BZC via application and it has been
200 reviewed by the DCPRC (Delaware County Regional Planning Commission), who had no
201 “no” votes against the proposed project. DCRPC requested the applicant address five
202 items, which will be done this evening.

203

204 Mr. Shade said there have been comments and concerns that the proposed use is a cement
205 plant, something that is not permitted in this township. He asked that Mr. Savko address
206 the BZC regarding the type of facility this will be, which is a concrete batch plant. It will
207 be a state-of-the-art facility and Mr. Savko will provide an explanation of the differences
208 between a cement plant and a concrete batch plant, and also regarding how it operates.
209 This is a small to medium-sized facility. Savko owns a number of facilities in the greater
210 Central Ohio area and this would not be their largest facility.

211

212 Mr. Shade said this is an extremely regulated business; it is subject to review and
213 oversight by the Ohio EPA at the state level, and they monitor internal and external dust
214 under two separate permits. A noise study was done on the property, which Mr. Saunders
215 will review, Todd Faris, president of Faris Planning and Design will review the land plan,
216 and David Denniston, with Advanced Civil Design will answer engineering questions.

217

218 Mr. Savko thanked the BZC and the audience for having him and said he loves townships.
219 His family owns Scioto Ready Mix, and the Savko family has been in business for 75
220 years in Columbus and they probably run the cleanest operation. His firm has been
221 recognized for that and he cannot stand dirt and filth. His trucks are perfectly clean at all

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222 times and he has people who go around his plants and make sure everything is washed,
223 cleaned, and kept in great shape.

224

225 Mr. Savko said this plant will be 100% indoors and the trucks will load inside. He does
226 not want trucks loading outside because there are 5 months of cold weather and it would
227 be very expensive to heat if it is not enclosed. At the plant, the sand, gravel and cement
228 powder is put through and proportionated into the cement trucks inside the building. Each
229 truck backs in, receives its load and then leaves.

230

231 Mr. Savko said the silos would go through the roof, they should be around 25-30', and
232 they would be painted green to match the trees in the area. The building will be a beige-
233 green color. Trucks are not dumping all night long. He cannot stand the sound of a
234 banging tailgate and he does not allow that. Employees who do that lose their jobs.

235

236 Mr. Savko said his employees are courteous and very polite with the public, they drive
237 within the speed limit, he does not have problems with his drivers being rude or
238 discourteous to the general public and the company name and phone numbers are on the
239 trucks. He is personally involved in any phone calls that are received. There are around
240 100 truck drivers and they average about 1 phone call per month and he deals with those
241 promptly.

242

243 Mr. Savko said a cement plant is where cement powder is actually made, and the closest
244 operation is in Dayton Ohio where they take the limestone out of the ground. Cement is a
245 certain type of limestone that is broken into small rocks, ground into a powder, and then
246 put through a machine at 2000 degrees. That product is transported to his facilities in
247 enclosed tankers and pneumatically blown up into the silos from the backside. On top of
248 the silos, and there will probably only be one here, is a dust collector. They are "pretty
249 fancy now" compared to what they used to be 30 years ago, and around 99.9% of the dust
250 that comes through it is captured, as long as the filters are regularly changed, which could
251 be once a month or more; the average is around 6 weeks for all his sites. It takes around
252 an hour to change the filters.

253

254 Mr. Savko said the fugitive dust that comes off the concrete batch plant is minimal. If
255 something happens and the can splits open, there would be a problem; however, he has
256 never seen that happen in this town and even when lightning strikes it does not cause that
257 problem. The sand and gravel is outside and the wheel loaders will take the sand and
258 gravel and put it in the conveyor belt which will be taken up to the plant. The decibel
259 level can be turned down on the backup alarm because they summon somebody who is
260 just 30' behind the machine. The alarms would not be heard at the neighboring homes.

261

262 Mr. Savko said he has talked about putting a tremendous mounding system around this
263 and stacking pine trees across the top, not sparse but very tight. The trucks are around
264 12.5' tall and they will not be seen. He has enough land to install extra trees and huge
265 mounds.

266

267 Mr. Savko said that due to the low water pressure in this area, he has been asked to make
268 the water tanks inside the plant available to the fire department if there is ever a working
269 fire, and he has agreed to put larger water tanks in and provide the fire department with
270 access at any time of day or night to all the water they may need. Mr. Savko said this
271 would be a state-of-the art plant, but it will not be a large plant.

272

273 Mr. Savko said the current appearance of the property as an old junkyard is terrible. He
274 will have that site cleaned up in just two weeks. There will be paved roads all the way
275 through the property so they will not be driving on dirt, gravel or dust. The road in off of
276 Route 36 will be a paved concrete road, and all the parking lots around the building will

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277 be paved prior to opening. He did not think anybody would even know he was there after
278 everything was set up and running.

279

280 Mr. Shade said that over 1.5 years ago when discussions began on this subject, he met
281 with the fire department, who had a very big concern about fire flows in the immediate
282 area. In the short term, that will be addressed by what Mr. Savko has made available to
283 Del-Co Water. He has provided a letter from Del-Co Water that indicates they will be
284 able to provide fire flow at 125 gallons/minute into this facility. Additionally, Mr. Savko
285 has made available an area towards the back of the property and right behind the plant an
286 area for a water tower that will be provided at no charge to Del-Co Water for the
287 construction of a water tower to increase the pressure in this area. They may choose to
288 locate it elsewhere, but they have indicated they want it.

289

290 Mr. Shade said there are very strict regulations by Delaware County; before the project is
291 completed, Mr. Denniston will have to perform a number of calculations that will be
292 reviewed by Delaware County. The number of detention basins indicated may be
293 increased or moved, but the property owner is not permitted to discharge into the water
294 stream at any greater rate than if the plant were not here.

295

296 Ms. Korleski asked that the traffic issue be addressed. Mr. Shade said that there is a letter
297 in the packet from ODOT that indicates that no traffic study is required because they
298 studied it sufficiently. It also indicates that the existing cut-through is acceptable by
299 ODOT to continue until such time there would be a warrant issued by ODOT for a light at
300 Dunham and Old State North Roads. He is not certain of the time frame. He pointed out
301 the backage road that was designated on the state and local master plan to run from
302 Lackey Old State Road.

303

304 Mr. Shade said that at that time, then-county commissioner Ken O'Brien insisted that they
305 match what was required of Mr. Foor when he developed his property. He is lined up
306 with that and it will go all the way down to the Big Run Road area or near Canine
307 Companions and will be on both sides of Route 37 in order to provide access and service
308 without having many cuts onto the roadway. He pointed out a roadway which will
309 become a right-in/right-out only when the backage roadway is opened. An intersection
310 will be closed and traffic will have to go out to the traffic light to exit and enter the
311 property as needed. Traffic would no longer be able to come out and turn north.

312

313 Mr. Shade said that they requested that the applicant go back to ODOT for further
314 discussions which he did, and they are now requesting an increase from 60' to 70' right-
315 of-way. If the application is granted the final application will reflect that increase.

316

317 Mr. Shade said that the DCRPC requested additional detail on commitment of the backage
318 road. It would be easy to have Mr. Denniston draw up a legal description and issue a deed,
319 but he would not know who to issue the deed to at this point. He is willing to commit to
320 this in writing. Ms. Korleski asked whether he would know by the time he applied for
321 final zoning. Mr. Shade said he was not sure, because everything was coming from an
322 ODOT grant. He wants something on the record to ensure that it is completely carried
323 out.

324

325 Mr. Shade said this property will be retained in complete ownership of Mr. Savko and his
326 company; the property will not be sold to other people at this time and he does not know
327 if that will ever happen. There are no subdivision requirements or leasing them space.
328 The only other potential end user that he knows of is a multi-billion dollar company called
329 Ferguson, and they will use the two existing buildings which will be rehabbed on a
330 temporary basis until they decide whether they want to come before the BZC. Ferguson
331 provides materials for road construction, outlets, culverts, etc. and they requested that the

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332 two units stay. Mr. Savko has agreed to that, and that will be the only two uses on the
333 property at the present time and any changes will have to be approved by the BZC.

334
335 Mr. Shade said if they decide to build new buildings and they are approved, the existing
336 building will be removed. The existing house up the street will be removed, all fences
337 will be removed, there will be gates at the areas of access to control safety and security.
338 He said the final development plan will include very detailed building plans, how the
339 property will operate, water and sewage, etc. He noted that there is an existing septic field
340 on the property and the health department has indicated that is functional.

341
342 Mr. Shade said the drawings include septic fields and there has also been discussion with
343 the county sanitary engineer regarding detention tanks for affluent, instead of septic fields,
344 because if they will extend sewer to the area, there will be a septic field that is a potential
345 pollutant and it may be better to just not build it. He should have that answer by the time
346 he comes in with the final development plan.

347
348 Mr. Shade said that two divergences were discussed including a divergence out at the
349 road; however, that divergence will be not be requested and the mounds will be increased
350 to 60. The second divergence is to allow retail and/or wholesale. Mr. Shade said that the
351 reason is that this end user fits between the two because they sell retail and they also sell
352 wholesale. When he was going through the process of making the application, it was
353 requested that he ask for that divergence so it can fit into this area.

354
355 Ms. Korleski said she did not think it was necessary to request the divergence. Mr. Shade
356 said he just wanted to be sure and perhaps 10-15 years from now somebody may want to
357 build a shopping area that would fit more into a commercial area.

358
359 Mr. Heid asked about noise and lighting. Mr. Saunders said a noise study was done; a
360 consultant Safex, a certified industrial hygienist, and the person who did the testing is a
361 professional engineer. Last Wednesday he went to an existing plant and took readings for
362 an hour at 200' and 400'. He also took readings at the project all the way up to the plant.
363 The final results are very similar; at 400' from the plant at a 5 minute average from the
364 plant it is 54 decibels. He also did a 5 minute average from the roadway to the site.

365
366 Ms. Saunders said that at the plant it was done with no obstruction, but there is some
367 obstruction here. At this time, he attempts to attenuate the noise as best as possible. The
368 mounding in the front will reduce the noise from US 36/SR 37 and there will also be
369 screening on both sides. He plans to retain the larger trees, the big canopy and understory
370 work. He said the results were fairly favorable.

371
372 Ms. Korleski asked for an example of how loud 54 decibels was but Mr. Saunders said he
373 could not do that. He said that the night requirement for residential areas in most
374 municipalities is 60 decibels, and 65-70 decibels at night. At the plant it was 54 decibels
375 at 400' and here on site he got 56 decibels which can be improved with further work on
376 the perimeter and some other areas. Mr. Savko noted that was at 10:00 A.M. at an active
377 plant in Alexander, with trucks running and other activities. Mr. Saunders said the plant
378 is fairly quiet and the loaders are not very noisy except for the backup alarm and that can
379 be controlled. The procedures at the plant can help with the noise situation as well. The
380 dry batch goes into the actual truck, is mixed and the engine's RPMs are increased, which
381 generates noise, but that can be controlled through training and Savko's enforcement.

382
383 Mr. Savko said "we just won't allow the trucks to rev up." He said that in other areas, a
384 driver may walk into the office to get his ticket but he will rev his engine and turn those
385 trucks fast and get his concrete mixing for 4-5 minutes before he heads for the highway.
386 He said here, he could just not allow that at all. Somebody asked how that would be
387 enforced. Mr. Shade said the drivers would be told and he can be very forceful. The

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388 person said he would not be there all the time. Mr. Savko said he has very qualified
389 people and he will be there. He will do what he says he will do. Revving the truck engine
390 and spinning the drum also wastes a lot of fuel. That type of situation was more common
391 during the times when the destination was just a mile down the road. They can keep the
392 engines low and wait until they get out on the state highway.

393

394

Commission Consideration

395

396 Mr. O'Brien said Mr. Savko said some things that he really loved hearing, and some that
397 really concerned him. People tend for certain things to happen, but they do not. He would
398 like to have commitments put in writing. For example, Mr. Savko said there "may be one
399 silo" but not there "will be one silo." He asked how many silos might there be. Mr.
400 Savko said concrete batch is made with fly ash and cement palliative. Fly ash is a
401 derivative of coal, and that particular containment, which is three truckloads, is actually
402 kept inside the plant. There will be one silo. At a later date he may want to add
403 additional ingredients. He could go on the other side of the facility towards the Foor
404 property and have it on the ground on that side and it would not be sticking up. He did
405 not want to limit himself in case something changed in five years.

406

407 Mr. O'Brien said he did not like "may"; he preferred "will" for commitments. It must be
408 observable, measurable, and documentable as well as enforceable. One item that requires
409 such a commitment is the mounding because dirt mounding is the number one way to cut
410 noise and pines would help as well.

411

412 Mr. Savko said he would like to have an 8-10' high mound and put 5-6' blue spruce trees
413 on top, stacking them tight.

414

415 Mr. O'Brien said Mr. Savko said he will not run the plant at night and he asked for a
416 commitment to certain hours. Mr. Savko said the only time he runs at night is if ODOT
417 shows and they have a bridge deck that needs to be poured in the middle of the night and
418 he would need to run 10 trucks out at 11:00 p.m. That would be a special situation. Mr.
419 O'Brien said a limit on the number of times that could be done could be put in place and
420 enforced.

421

422 Mr. O'Brien said the most noise seems to be generated by backing trucks, and he heard
423 that could be controlled. Mr. Savko said the backup alarm on the truck is allowed to be
424 turned down. Mr. O'Brien asked whether the trucks that will be there would be his
425 trucks that could be controlled. Mr. Savko said "absolutely." Mr. O'Brien asked whether
426 he could commit that it could be turned down to certain standard. Mr. Savko said he
427 could and he added that after the mounds and pine trees were installed, he would like to
428 get permission to visit neighbor's back yards to listen to backup alarms and then adjust
429 them if necessary.

430

431 Mr. Shade added that there are also OSHA requirements for such situations. Mr. Savko
432 said he has studied many truck accidents at other plants, and typically when somebody is
433 backed up over by a truck he has gotten behind the truck sometime within the first 20-30'
434 backing up, not backing up 100'. The alarm has to be loud enough that it could be
435 somebody wearing hearing aids could hear it at 30'.

436

437 Mr. O'Brien said he did not have a problem with the second divergence. Ms. Korleski
438 said that should not even be a divergence.

439

440 Mr. O'Brien asked that he review the five DCRPC conditions.

441

442 1. Continued consultation with ODOT on the requirements for access to the site;

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- 443 2. Additional detail as to the building design and signage package (may be deferred
444 to Final Development Plan approval).
445 3. Specifying uses or conditions that would allow for the divergence of the opaque
446 buffer area along the roadway.
447 4. Additional detail and a larger area dedicated to tree preservation along the
448 northern edge of the site.
449 5. Additional detail as to the commitment to build the backage road.
450

451 Mr. Shade said he did one regarding ODOT, and he said he did go back to ODOT and the
452 only different thing they requested at this time is that they want the right-of-way area for
453 the backage road to be 70' in width, which he did not know at the time and he was not
454 told when Mr. Savko met with them. ODOT wants 3 lanes including a turn lane and
455 passing lanes on both sides.
456

457 Mr. O'Brien said that during the informal presentation, that road was discussed and he
458 asked whether it would be built or whether it would just be right-of-way. Mr. Shade said
459 he was not certain and he was not sure who was setting the standard for that.
460

461 Mr. O'Brien asked whether it could be built before all of the lots were done. For
462 example, the plan indicates a residual industrial parcel future lease area that touches the
463 backage road, and he asked whether the backage road would be built before that lot was
464 built on. Mr. Shade said that aspect is a work in progress because it is being controlled by
465 ODOT, who has not indicated who will hold title, what the materials will be, and they
466 have not designed it. He is willing to commit to ODOT's requirements provided that they
467 build it, because they mandated it. He would not be in favor of anything on that lot in the
468 final application until the backage road is built.
469

470 Mr. O'Brien asked whether the road off US 36/SR 37 is a common access driveway
471 (CAD). Mr. O'Brien said it was just a privately-owned road. Mr. O'Brien asked what
472 standards it would be built to. Mr. Shade said it would be curb and gutter and wide
473 enough for truck traffic to pass two ways. Mr. O'Brien asked whether, because it was a
474 private road, he would not sell off the other lots. Mr. Shade said if that happened, it
475 would have to be built to county standards.
476

477 Ms. Korleski said it was indicated that Mr. Savko would not sell those lots and he would
478 lease the lots. Mr. Savko said he is the owner and would lease the lots; he is not interested
479 in selling because that results in different standards. Mr. Shade said it would have to be a
480 very thick road in order to handle trucks and the like.
481

482 Mr. Savko said that regarding the backage road, he was concerned because ODOT has not
483 informed anybody of the details. Mr. Foor was required to align the backage road with an
484 easement in the area so Mr. Savko aligned it with Mr. Foor. ODOT has indicated they
485 want to go through the area but he is not certain whether it will go back over through
486 North Old State, how far towards the City of Delaware, and other details. Mr. O'Brien
487 said he understands that but is concerned that it will not be built. Mr. Shade said he will
488 do it when ODOT tells him he is ready to go. Mr. O'Brien said he did not want them to
489 build something and have to rip it out later. Mr. Savko said he is happy to dedicate the
490 land now.
491

492 Mr. Shade said the additional details for building design and sign package were indicated
493 in the submission as being provided. He has shown a rendering of the building's location
494 and will provide very specific details regarding how the building will look and where it
495 will be located, lighting, etc.
496

497 Mr. Shade said the only items in the tree line buffer that would be removed would be dead
498 trees that could cause harm to the neighbor's property or others. Mr. O'Brien asked

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499 whether there would be 6-8' tall mounds. Mr. Shade said they could be higher. Mr.
500 Savko said he would be happy to drop the road down if necessary in the future. Mr.
501 Shade said it was never indicated that trees would be removed from the tree line other
502 than diseased or dead trees.

503

504 Ms. Korleski said conditions 3 & 4 have already been resolved.

505

506 Mr. Spangler asked how many batches of trucks would go in and out of the facility on a
507 typical day. Mr. Savko said he planned to park six trucks, and the plant is capable of
508 producing 10 loads per hour or up to 12 with a very fast operator. That would be 10
509 truckloads at 10 yards per truck, but he did not plan to have more than 6 trucks parked on
510 site.

511

512 Ms. Korleski asked what that meant. Mr. Savko said on a busy day, there would be 400
513 yards per day and 40 truckloads per day, but just 6 trucks total. The maximum number of
514 loads per hour is 10 trucks at full speed.

515

516 Mr. Spangler asked whether the fire department would have access to the water tank 365
517 days per year, 24 hours per day. Mr. Savko said "absolutely" and that he would work that
518 out with the fire chief to provide access.

519

520 Mr. Spangler asked whether he had any dust control measures for the outside aggregate.
521 Mr. Savko said he did. Currently, there are yard sprinklers set up on a grid system and he
522 keeps it watered during the dry time of the year, and a professional sweeper truck goes to
523 all the facilities once per week. He has two EPA permits; one is for fugitive air dust, and
524 the other is for road surface that the trucks and loaders will run on, and the best method
525 for that is an onsite water truck, so all plants that have paved concrete parking lots and the
526 water truck squirts water on them. He then sends the broom sweeper truck into all the
527 facilities each week to clean up the area.

528

529 Mr. Spangler asked about lighting. Mr. Savko said no lighting would be pointed towards
530 the houses. The lighting would either go low on the building to glow, or back up towards
531 the mounds to shoot it back up at the buildings. Mr. Heid asked whether they would be
532 down lighting and Mr. Savko said they would.

533

534 Ms. Korleski said the applicant stated they would donate the property to Del-Co for the
535 water tower. Mr. Shade said Del-Co Water indicated a strong desire for that, although he
536 was not certain when it would be built. Ms. Korleski asked how they would access the
537 property. Mr. Shade said they would come via the backage road or in a different way.

538

539 Ms. Korleski said the applicant would need to come back into the township for approval
540 for leased buildings. Mr. Savko said the company who is interested in locating here sells
541 plumbing and water line, culvert pipes, etc. but they would not manufacture those items
542 on site; they would store it onsite. They would have an office and paved parking lot and
543 homeowners, farmers and contractors can come in and buy what they need there.

543

544 Mr. Savko said that their current facility is in the south end of Columbus off of Groveport
545 Road. However, the future growth is in this area. This would work well because people
546 who are buying a piece of sewer pipe are not going to be offended by a mixer truck,
547 unlike locating a dry cleaner there. He said he does not have to sell property immediately
548 to pay for this development. The Ferguson Company has been told that if this is approved
549 they will need to come in for approval by the township.

550

551 Mr. Valentine said that early on, it was stated that within two weeks of approval the site
552 would be cleaned up. Mr. Shade said the purchase of this property is conditioned upon
553 getting this approval. If that does happen, ahead of any zoning approval or
554 preliminary/final plan, it will be taken down. Mr. Valentine asked what would be taken

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555 down. Mr. Shade said all of the trucks would be removed, the house and fencing will be
556 removed except for fire fencing. Mr. Savko said all the junk would be gone within two
557 weeks, period, and be out of site. He noted that he would not bury the items on site but
558 they would be removed.

559

560 Mr. Valentine said traffic would need to exit the property only to the right onto US 36/SR
561 37 but all of the business will be in Delaware and he asked what the traffic plan was. Mr.
562 Savko said there is a cross-through that ODOT has approved. Mr. Savko said there is an
563 existing median cut at the entrance.

564

565 Mr. Savko said if he sees that there will be potential serious accidents, he will force the
566 trucks to go to the right and turn around. There were questions as to where the trucks
567 would be able to turn around.

568

569 Ms. Kaplan asked how much the mixer truck weighs. Mr. Savko said fully loaded they
570 weigh 70,000 pounds and they are fast. Ms. Kaplan said it would take some time for a
571 truck that size and weight to cross and get into the median strip. She asked whether there
572 was any plan to attempt to limit the in and out trips during certain times of day. Mr.
573 Savko said he has worked up and down US 36/SR 37 for years and semis go up and down
574 the area, which is a good sign of commerce in the country.

575

576 Mr. Savko said that the noise level referenced earlier by Mr. Saunders included all of
577 those semis. The drivers have their CDL licenses and they cannot put the truck and the
578 general public at risk. If they cannot pull out with a full line of sight, they would need to
579 find a different way. His safety employees will train the drivers as to how to properly
580 access the site without putting people in harm's way. It is a US highway and they are
581 permitted to be on the road.

582

583 Mr. Shade said the letter indicates discussions Mr. Savko has had with ODOT, who is
584 very aware of what kind of business this is and what has to happen, and they have given
585 the green light; otherwise he would not be here tonight.

586

587 Ms. Kaplan asked whether there was a typical pattern of operating hours. Mr. Savko said
588 currently some of the plants open at 6-7:00 a.m. and are mostly "poured-out" of the
589 deliveries by 4:30-5:00 p.m. Sometimes they may be later at night depending on the time
590 of year or demand, even at 6:00 or 8:00 p.m. but that is typically just one truck. The
591 drivers are only permitted to be on duty a maximum of 10 hours per day. He does not
592 stage the drivers at different times of day; they all report and leave at the same time.

593

594 Ms. Kaplan asked about the noise from substantial-sounding loaders and she asked
595 whether those had ambient noise that would go all night. Mr. Savko said the backup
596 alarm on a truck can get as loud as one wants, and in the construction business he wants
597 the bulldozers and big machinery to have the loudest one possible. However, this is a
598 different situation; in the truck industry he is happy to have them turned down so they
599 protect the first 25-30' behind the vehicles.

600

601 Mr. Savko said that most of the trucks also have cameras during reverse functions. Most
602 accidents happen on job sites, very seldom inside the plant or in the terminal. He studies
603 those incidents. He said the decibel levels can be turned down on some machinery in the
604 plant such as the wheel loader. He does not like machines to idle because it burns up
605 expensive diesel fuel so they are turned off when not needed.

606

607 Ms. Kaplan asked whether there would be noise from the air filters. Mr. Savko said there
608 would be two huge filters on the plant and there would be no noise. One will be on top of
609 the cement silo and the documentation has it at 99.9% or close to it now as long as it is
610 changed. The second dust collector will be on the ground level on the back side of the

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611 building towards the Foor property. That is large but does not sound like an air handlers;
612 one will not hear suction or the force of air like in the old days. That will be pulling out
613 whatever is contained inside the building with truck loads. There are 8-10” pipes that go
614 right up to where the truck loads and it pulls everything out as the truck is being loaded.
615 That is required per the EPA who issues the air permits based upon inspections.

616

617 Mr. Heid asked if the one he just described on the back of the building is in the dust
618 filtration system as well. Mr. Savko said it is called a dust collector; it is around \$60,000,
619 the height of this room, twice the size of a small SUV, and it is enclosed. Mr. Saunders
620 said it is 80 CFM. Mr. Savko said it sucks the dust out of the plant and then it is sent back
621 up to the silo.

622

623 Ms. Kaplan asked whether there would be any other outdoor storage other than the
624 aggregate storage. Mr. Savko said there would also possibly be a diesel fuel tank and it
625 would be contained and protected with lightning rods, which would also be all over the
626 plant.

627

628

Public Comment

629

630 Graeme Quinn, 355 N. Old State Road, provided a letter to the BZC. He said he and his
631 wife have lived here for 17 years and they have a 13 year old son. He is here to discuss
632 the plot of land for a plant, but it is important to refer to the development by its intended
633 primary use, which is a concrete batching plant. The first he heard of any of this is when
634 he got the letter from the township that was sent to the neighboring property owners only
635 less than 2 weeks ago. Since then, there has been a great deal of fear in the community.
636 The planning for this plant goes back as much as two years is his understanding, yet the
637 residents in the area were given no warning until the township zoning letter and that was
638 only the adjacent property owners. Those whose properties are not directly adjacent
639 received no warning of any kind that this would be a batching plant until the community
640 started to mobilize, which it has right here.

641

642 Mr. Quinn said that despite assurances given by the company to the regional planning
643 commission that neighbors had begun to be engaged, he is not aware of a single person
644 who is aware of this prior to the community starting to rally through in defense, and that is
645 despite me reaching out to 40 homeowners; not a single person told him that Savko had
646 reached out to them. They have been denied the two things they need the most which is
647 time and information.

648

649 Mr. Quinn said he has now been asked his opinion on this concrete batching plant being
650 dropped in his neighborhood and right along the property lines of some of them. His
651 answer is “No” and he objects. He was recently contacted directly by Mr. Savko, which
652 he appreciated. Mr. Savko provided some information, which he shared with the
653 community to ensure everybody has the most relevant, recent information, which they
654 lacked. They had never received that information; all he received was a plan that states
655 this will be a concrete plant.

656

657 Mr. Quinn said that was only 4 days prior to this hearing, and only after the community
658 mobilization had begun; this is simply not enough time for them to process the
659 information and respond in an informed manner. His biggest concerns are dust, noise
660 pollution, loss of property value, and the traffic that will be created by the new plant. He
661 said he received assurances from Mr. Savko regarding how each of these concerns are
662 either irrelevant or will be mitigated to the best of his ability and he gave a presentation
663 today on that.

664

665 Mr. Quinn said that however, beyond the EPA regulations, those assurances are not in
666 writing, and he asked whether there was the ability to put the items in writing. Ms.

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667 Korleski said they will be in writing. Mr. Quinn asked whether these assurances have
668 been provided to other communities and he asked how those communities have responded
669 to whether or not those assurances have come to fruition.

670

671 Mr. Quinn said he was assured this plant would be under business hours only but he asked
672 whether there was anything to prevent it being operated 24/7 either under Mr. Savko or
673 under any future owner. During the brief period he had to do research focusing on
674 batching plants, which is only four days, he found examples of batching plants across the
675 country that were approved and then something changed about the operation of the plant;
676 one is now owned by a different company, and another went to a 24/7 operation despite
677 promising business hours only. Another one had a state-of-the art \$40,000 dust collection
678 system but dust pollution was reported by neighbors 30 days after the plant began
679 operation.

680

681 Mr. Quinn said he has not had enough time to fully investigate the circumstances involved
682 in each of these plants, but these are the same assurances the residents are hearing today
683 and the same assurances were given today by Mr. Savko. No matter how truly sincere
684 these assurances may be, right now they are just words and the neighbors will be near the
685 site all day long. Any assurances would certainly not bind any future owner of the site.

686

687 Mr. Quinn said he is not a lawyer, or an engineer or a construction expert, so when he sees
688 trees and a mound of dirt indicated in the plan as noise control measures, he does not
689 know how effective those will be and he needs time to research that. He has no idea how
690 effective the dust collectors are other than the 99.9% collection discussed here.

691

692 Mr. Quinn said they have been assured that the final operations will be as quiet as
693 possible, but he did not know what that means in terms of what he will hear from his
694 house. Mr. Savko indicated that an identical existing plant runs at 57 decibels outside the
695 building and that the current ambient noise site is 54 decibels when a semi goes back. He
696 asked whether that meant the plant will be 1/3 louder than a semi driving past at 60 mph.

697

698 Mr. Quinn said nobody can believe the trucks could turn left fully loaded out of the site
699 and they will need to turn right. Fully loaded and up to speed they will need to get into
700 the left lane to turn; he drives a sedan and he has trouble getting into that lane. When he
701 is turning out, as soon as he sees cars coming by they are right on top of him. It will be
702 much more difficult for the trucks.

703

704 Mr. Quinn said he would not have purchased the house he lives in currently had there
705 been a batching plant right next door and he expects when he sells his home that the buyer
706 would have the same opinion. Even if the plant turns out to be a good neighbor, the
707 property values will take an immediate hit once the plant is approved and made public and
708 will stay that way until such time the plant has proven itself to be a good neighbor.

709

710 Mr. Quinn said the residents have been denied the time and information to give a proper
711 response; it is as though he has been handed a box and asked if he accepts it, but when he
712 insists upon knowing what is inside the box, all he is told is that its not quite as bad as he
713 thought it was. The neighbors are being asked to agree to rezone this plan and to allow
714 the plant to be built and all the neighbors have to go on are last-minute verbal assurances
715 built on incomplete information.

716

717 Mr. Quinn asked if the plant is approved, what can the BZC do to hold Savko to the
718 promises to operate with the least noise, dust and traffic impact as possible? He said Mr.
719 Savko is looking out for his company, but he believes it is the BZC's duty to look out for
720 the Berlin Township residents who are relying upon them as their advocate.

721

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722 Mr. Quinn asked whether the BZC has the power to legally limit the operating hours to
723 business hours only, to monitor for dust and other emissions that many make it to the
724 neighbors' homes, can it address the traffic problems created by these large trucks, can
725 they agree on noise levels and a process for when those noise levels are exceeded, and
726 does the BZC have the power to back up the community and to correct issues that are
727 found in the future, holding Mr. Savko to his promised. If the community cannot be
728 assured of these things, he has to remain absolute in opposition to this zoning changed.
729

730 Ms. Korleski said that first of all, many in attendance are new faces here, and the reason
731 they are here is because now something is happening in their backyards. They have not
732 taken enough interest to come into the zoning committee meetings. An unidentified
733 person in the office said they did not need to be scolded, another said they were in the
734 offices last week, another person said they just moved here, and another said they do not
735 need to be scolded no matter how long they have lived here.
736

737 Ms. Korleski said that second of all, most of those in attendance used the internet, and
738 they have the opportunity to see all of this on the website. The applicant has been trying
739 to work on this for nearly 2 years, and that has been on the website. A resident said he
740 heard about this four days ago.
741

742 Ms. Korleski said that third of all, the letters that go out to all the neighbors are only sent
743 to a perimeter of 200' per the township's requirements. A resident said that none of the
744 residents have heard anything about this site over the past two years. Ms. Korleski said
745 that is because none of them could take the time to come in.
746

747 Alan Magnussen, 5300 Baker Road, said he is a Realtor and that property values will take
748 a hit as a result of this. Ms. Korleski said that is not part of zoning. Several residents said
749 that it was and that it is the BZC's decision. Ms. Korleski said they need to not shout out.
750

751 Dave Glassburn, 68 N. Old State Road, said he has a chemical and pneumatic unloading
752 background and he works for a plant in town. Only half the story is being told. He asked
753 how many loads would go out per day. Ms. Korleski said it was 40. Mr. Glassburn asked
754 how much aggregate and other supplies it takes to fill 40, 70,000 pound cement trucks.
755 These supplies will have to come to this very small plot. The neighbors will wake up with
756 tankers backed up on Baker Road, waiting for the concrete batching plant to open the
757 gate, unload sand and unload aggregate, and they will have no control over those
758 suppliers. He asked what it took to create a 70,000 pound load of cement.
759

760 Mr. Savko said no truck will back up on Baker Road or any other road because they can
761 back up and pull right in. No trucks will have to stage or pull up anywhere. Mr.
762 Glassburn asked where the supplies would come from. Mr. Savko said they would come
763 out of Delaware via truck. Mr. Glassburn said unless they are bringing a rail spur out, the
764 items will come by truck and he asked whether they would be limited. Mr. Savko said
765 when the gates are locked, that is it; nobody comes in. Mr. Glassburn said the truck
766 drivers will be backed on the adjacent roads. Where he works, he has received numerous
767 notifications from the city that he would need to make alternative routing for his supplies.
768 To make one 70,000 pound batch, how much sand does that take?
769

770 Mr. Glassburn said he will have a yard loader going out and making noise preparing a
771 batch. 8 hours a day is fine, but it could be longer than that. Mr. Savko said the materials
772 would be transported in by trucks. Mr. Glassburn asked when deliveries would be made.
773 Mr. Savko said that would be during work hours. Mr. Glassburn asked whether there
774 would be backed up trucks holding up the school bus waiting to unload at the property.
775

776 Mr. Savko said that will not happen because when the gates are locked, nobody comes in.
777 Mr. Glassburn said the trucks will back up while waiting to unload the minute the plant

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778 opens. Mr. Savko said if somebody came into the site and were lost, the road can hold a
779 handful of vehicles and they will not be on Baker Road. Mr. Glassburn asked that it be
780 placed on the plant property. Mr. Savko said they would be and he would own the whole
781 road.

782

783 Mr. Glassburn said the first half of the operation is just the supply trucks coming in. Mr.
784 Savko said they would not even be able to drive on Baker Road. He said the quickest way
785 to get from the National Lime and Quarry is US 36/SR 37. Somebody said they could not
786 turn left onto US 36/SR 37. Mr. Savko asked whether they have trucks on Baker Road
787 currently. Several residents said “yes, all the time.”

788

789 Mr. Savko asked whether there are trucks now on Baker Road. Several residents
790 responded “yes.” Mr. Glassburn said that the back half of the property is subject to a
791 gentleman who spent good money buying many beef cows. One safety relief improperly
792 discharged from the top of the proposed 30’ tall silo will spew uncontrollably until the
793 truck is shut down. He has loaded and unloaded these trucks and things happen. He has
794 painted many Delaware cars because the safety relief on top of the Ranko silo has failed
795 and by the time it was shut down, there was a massive spew of chemicals 35’ up. Even
796 sand is ugly when it is on cars, kids’ bikes, patio, etc.

797

798 Mr. Savko said the plant would not blow sand up. Mr. Glassburn said sand would be
799 dumped. Mr. Savko said sand goes in a bin and it is picked up. Mr. Glassburn asked him
800 whether it was correct that sand is necessary for the operations of the business. Ms.
801 Korleski gaveled him and said he has made his point and she needs to move on.

802

803 Jeff Chokreff, 429 N. Old State Road, said he just purchased his property and did a major
804 \$150,000 renovation. He shares his southern border with the subject property. In the
805 process of going through the renovation he had to go to zoning to ensure he was close
806 enough. He spent all that money on a home that will be within 60’ of this property. It is
807 concerning to him that the concrete plant was never brought up in zoning or any process
808 he has gone through.

809

810 Mr. Chokreff said when he purchased this, his concept was to have 10 acres in the woods
811 for privacy not necessarily to be beside a concrete plant and a water tower. He
812 understands that things happen, but a 30’ tree line is not an adequate buffer. There needs
813 to be more significant buffering along the property’s northern boundary. There are also
814 wetlands in the area and he wondered how that would be dealt with. He said once
815 industrial zoning has started, that will be an attraction for other similar industrial uses.

816

817 Ms. Korleski said there is already industrial there. Mr. Heid said The Seraph is zoned
818 industrial. Mr. Chokreff said he thought it was farm residential being rezoned to
819 industrial. Mr. Heid said that was correct but there is already industrial properties in that
820 area. A resident said “not by us though.” Mr. Heid said The Seraph is zoned industrial. A
821 resident said that is on the other side of the road and not in their backyard. Another one
822 said no noise is generated by that store.

823

824 Ms. Korleski said the BZC and zoning department only has so much they can do. An
825 applicant has the right to apply for a rezoning just like the residents have the right to
826 complain. The BZC has to respect that right. That particular area has prior PID zonings
827 right next to his property. She realizes that the property is FR-1, but that section is on US
828 36/SR 37 which is at least commercial, if not industrial. Ms. Korleski said besides it
829 being PID, that is an acceptable company.

830

831 Eric Cameron, 345 Plunket Road, said his family moved here about 4 years ago and he
832 loves the community and is excited to have his family here. Four nights ago he got a call
833 from a neighbor. Within just four days, the number of interested people came forward,

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834 and there will be many more as time goes on. He understands Mr. Savko is trying to
835 make a living and run his business. However, much of what has been said here is
836 predicated entirely upon what Mr. Savko has stated regarding what he will do. He said
837 Mr. Quinn and the BZC asked good questions regarding the ability to hold an applicant
838 accountable for items such as business hours, differences in use, etc.
839

840 Ms. Korleski began asking a question. Mr. Cameron said he had not used his 3 allotted
841 minutes yet. Ms. Korleski asked whether he was watching the clock and Mr. Cameron
842 said he is and is trying to be fair. He encouraged everybody to use the internet to find out
843 what they can about Mr. Savko. He asked them to look at his dealings with the City of
844 Columbus and in other Central Ohio communities. If he did not fulfill his commitments
845 to that community, what makes them think he will fulfill his commitments to this
846 community?
847

848 Ms. Korleski asked him whether he has looked into Mr. Savko. Mr. Cameron said he has.
849 He realizes everything on the internet is not necessarily correct, but he assumed that Mr.
850 Savko would have removed any false information via a libel or slander lawsuit. One of
851 the first articles he pulled up was from Nov. 2014 ThisWeek Community news, which
852 stated that “Fourteen months after developer Marty Savko promised the Worthington City
853 Council he would do a “clean job” of developing the Monterra subdivision, the land sits
854 empty, except for mounds of dumped dirt and sewer tiles.”
855

856 Mr. Cameron said in that case, the residents had to go to city council and request that Mr.
857 Savko be held accountable. He said there is a series of these articles and he suggested
858 running a search of EPA and OSHA violations to find out what they can about Mr. Savko.
859 He suggested they speak with current Columbus Mayor Ginther and former Columbus
860 Mayor Coleman about their dealings with Mr. Savko and they will “find out whether or
861 not you want to get in bed with this gentleman.”
862

863 Mr. Savko said he is welcome to his opinion, but he is wrong. In the City of Worthington
864 case, he started a project with developer Patrick Bigler. Mr. Savko lives half a mile down
865 that street. He said Mr. Bigler went broke and he owed Mr. Savko \$200,000 so Mr.
866 Savko ended up buying the property from the bank, took the job over and finished it. If
867 one drives down there now, one will see eight beautiful lots.
868

869 Mr. Cameron asked whether the article is false. Mr. Savko said it is, and that articles like
870 that are written. He said he stood up and took care of the problem. Regarding the
871 mayors, Mr. Savko is one of the few people in Columbus who will call them up and tell
872 them what he thinks. This company was started 75 years ago with a wheelbarrow and he
873 tires of politicians who just want cash.
874

875 Mr. Cameron asked how Mr. Savko got \$87 million in contracts with the city of
876 Columbus. Mr. Savko said he was the low bidder in a sealed bid. Mr. Cameraon asked
877 about John Raphael. Mr. Savko said he had nothing to do with the red light camera issue.
878 Ms. Korleski gaveled and said the meeting needed to move on.
879

880 Michael Black, 425 N. Old State Road, said everybody has forgotten that this property has
881 been a junk yard for possibly 70 years. He asked who has done a study about that. He
882 said Mr. Savko bought some cheap land because nobody else wants to clean it up. He
883 asked whether the site is a superfund site and who has done his homework. If the
884 purchase of this property prevents Mr. Savko from having to clean it up, what will
885 happen? It would cost a fortune to clean up.
886

887 Mr. Shade said he met before the BZC two years ago, and a year was taken to review the
888 site which has been evaluated by a firm and a copy of that was submitted to the township.
889 He was told during the initial stages that the property was clean. He investigated it; when

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890 he heard there was a letter that indicated the site was clean, he got a copy of the letter and
891 it applied to tires. His client paid to have the property studied, evaluated, and identified
892 for any possible sources of contaminants. There is nothing that the Ohio EPA has sited on
893 this property and it is not listed as a Superfund site.

894

895 Mr. Black said there is oil, transmission fluid and more and it needs to be further
896 investigated. Mr. Savko said he hired professional engineers and brought the EPA in. He
897 went in for 3 days and dug holes, and also asked the person who lives in the white house
898 where everything that could be a problem was. He dug up and found every problem he
899 thought was a problem, and it was sampled, tested, and sent into the EPA for approval. If
900 this would be a major cleanup, he would not want to be involved with the property.

901

902 Virginia "Ginny" Black, 425 N. Old State Road, said she disagrees with this. She
903 understands the dirt will be removed, but she would like to know whether the water has
904 been tested and is clean. She was also concerned about the road being extended and the
905 trucks ending up through the neighborhood and onto Old North, which is a major
906 thoroughfare. The trucks come up Baker Road now onto Old North and there will be a
907 backup. There is an area across Old North that is to be developed residentially. There is a
908 lot more than just the plant involved; this is close to all the residential plots and should be
909 located in a more commercial area.

910

911 Ms. Black asked the BZC to think for the future; along US 36/SR 37 there is a large area
912 that will be developed and she asked what they want it to look like. She asked what could
913 be done to standardize it. She likes the idea of the mounds but she would also like to see
914 brick walls similar to those in Lakewood Ohio. She used the example of Route 161 which
915 had been a lovely place at one point. Now, the side roads look awful, the concrete is beat
916 up, and there is no beautification. It needs to ensure that does not happen here. The
917 backage road means that the industrial will end up in the residential area.

918

919 Ms. Black was concerned about where future leases would be located.

920

921 Ms. Black said that there have been several mound heights discussed and she would like
922 to see it as high as possible. Her property borders this property. Regarding the
923 suggestion to plant trees on the property, there is an easement here and if a gas line is
924 installed down there the trees would be lost. She would also like to see taller and denser
925 trees.

926

927 Ms. Black said she visited a different property that is enclosed by a fence and she could
928 see all the trucks above it, although the facility was definitely clean. She would like to see
929 something that looks nice here such as a fence, and she would like to see the fencing
930 higher than the mound. Mr. Savko said he is in favor of high mounds but it would be a
931 matter of where the fence would go.

932

933 Mr. Savko said that regarding drainage, the shale is in the ground around 8-10' and he
934 saw no signs of any oils etc. that had gotten into any ground water. Water did not come
935 up at all and he did not think this junkyard caused any problems with the water in the area
936 or he would have stopped right there due to the future implications.

937

938 Ms. Black said the road comes here and there is a wetland site for future development so
939 if the road is extended, the wetland site goes away. She would like to know what type of
940 wetland that is and also how the future use would be accessed.

941

942 Mr. Savko said it may not be necessary to develop that section. The second access is
943 required by the fire chief and there are things he needs to try to reevaluate. The wetlands
944 are very shallow when they are wet, but they are there and they were planned around. He

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945 said there used to be a gas well on the corner dug in the 1800's and extracted gas out of
946 the shale but it is all dry now.

947

948 Ms. Black said it is prudent to look at this as the first piece of development in this area
949 and how they want it to be developed in the future. She said she did take the time to look
950 at the plan on the website but the website is difficult to navigate, difficult to find anything
951 and difficult to figure out what is going on. Ms. Korleski said if she has advice on that to
952 let them know. Ms. Rippel asked that Ms. Black tell the trustees that the website needs to
953 be updated.

954

955 Tom Scharschmidt, 612 N. Old State Road, said he is a surgeon at Ohio State specializing
956 in oncology and trauma and there are many health concerns with this plan that have not
957 been adequately discussed tonight. It is known that there is particulate debris and dust that
958 these plants throw in the air and that it has long term effects. There are many children in
959 this area and asthma and long-term lung irritation can lead to long term health problems.

960

961 Mr. Scharschmidt said from a trauma standpoint there is no way a 70,000 pound truck at a
962 dead stop can turn safely out of US 36/SR 37. Even busses cannot get up to speed
963 without slowing traffic down behind them. He asked how many fatalities there would
964 need to be before that issue is addressed, because there is not safe way to exit the
965 property.

966

967 Amy Quinn, 355 N. Old State Road, said she wrote a letter that she would not read
968 because many of the points have already been addressed but she did want to address those
969 that are most important. She said regarding the dust, Mr. Savko said the filter on the back
970 of the plant that would ideally capture 99.9% of the dust as long as it was changed
971 regularly. The aggregate outside will make dust and the water will reduce that, but how
972 much dust will actually be made by the property?

973

974 Ms. Quinn said she has chemically-induced asthma and her property is right behind this,
975 so any dust, exhaust or chemicals will impact her ability to breath. She could be driven
976 off her property if this is not an ideal situation.

977

978 Ms. Quinn asked about the number of decibels. Mr. Saunders said it was 56 decibels from
979 400' at the northern part. Ms. Quinn said 56 decibels is the level of a regular office
980 environment and she asked what the peak level would be as the trucks were coming in and
981 out. She is in her home all day as she has a business there. This will affect her entire life.

982

983 Mr. Saunders said he had stated the decibel level earlier as 54 but it is 56 on this site. A
984 peer review will be done before the report is completed and the final report will be done
985 this week. He was not certain of the peak. Mr. Quinn asked whether he would share the
986 information when he got it and Mr. Saunders said "absolutely."

987

988 Ms. Quinn said that everybody she has spoken to in this neighborhood moved here for
989 peace and quiet, and noise is a very big deal. They moved here to be away from the
990 hustle and bustle, the noise of traffic etc. and this noise will be extremely important.
991 Somebody said the applicant does know. Mr. Saunders said he cannot say he does know,
992 because the results were recorded in a monitor to an electronic piece of equipment that he
993 derived from it an average amount to mirror what the normal code specifications for noise
994 are.

995

996 Ms. Quinn asked what the future of this was and said that Mr. Savko may have good
997 intentions but he may pass his business onto his children or sell it. She asked whether the
998 leased properties would then be sold. Once the cat is let out of the bag and the entire land
999 becomes industrial, it cannot be crammed back into the bag and it is industrial. The

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1000 residents would then need to live with whatever outcome there is, which is unknown at
1001 this point.

1002

1003 James McConnell, 350 N. Old State Road, said the average sound level in the country is
1004 37 decibels, so 50 decibels is way above that. If one has a direct view of US 36/SR 37 it
1005 is louder than that, but he lives north of there and does not have that. This development
1006 will make the decibel level much higher unless the “sound wall takes it above us” it will
1007 be much louder than comfort level at night to enjoy his property in the country.

1008

1009 Ms. Quinn said that 50 decibels is actually four times as loud as 30 decibels because it is
1010 an exponential scale. Ms. Korleski said they were done with the noise level and they
1011 know what the noise levels are.

1012

1013 Tom Grube, 158 Big Run Road, said he is about half a mile from this development and he
1014 has had a CDL for over 20 years. He knows the ins and outs of trucks and he has “hailed
1015 it.” He said the runs that run up and down US 36/SR 37 come out of National or Shelly
1016 and they will all turn right the quickest and easiest way and they will all be laying on the
1017 Jake brake, skipping two gears at a time and making a big racket in the area.

1018

1019 Mr. Grube said his issue is with the noise; it will be a noisy plant and he did not think one
1020 could separate truck traffic and have a quiet plant. There are no quiet semi-trucks and
1021 there will always be noise coming from a big truck hauling 24 tons of sand or rock.

1022

1023 Mr. Grube said tailgate slams are very loud and much higher than 58 decibels; that will be
1024 heard from miles away.

1025

1026 Brad McElroy, 567 N. Old State Road, said that Ms. Korleski stated earlier that the
1027 applicant submitted the application and it has to be respected as the formal process. He
1028 appreciates that, but the BZC should appreciate that none of them are residents of this
1029 township and they are all impacted by noise and the loss of property value and that should
1030 be taken into consideration. He asked everybody who disapproved of this to raise their
1031 hands. Most hands were raised.

1032

1033 Ms. Korleski said this business would bring money into the township. Many comments
1034 from the audience were made at once and could not be understood. Mr. Glassburn said
1035 that Olentangy Local School District will stop at US 36/SR 37 and will not run a school
1036 bus on this side of the highway because it would not be economically feasible. Mr.
1037 Valentine said the school districts are not determined by townships and the school
1038 districts do not change their districts based on that. Currently there is a bus on US 36/SR
1039 37 every morning. Mr. Glassburn said there are many busses on US 36/SR 37 and those
1040 busses will be behind the delivery trucks or batch trucks.

1041

1042 Mr. Valentine asked whether anybody would vote for this application. Archie Foor stood
1043 up and said he owns the property next door. About 10 years ago his business was built
1044 and there was much debate on his noise and situations and he believes he has done
1045 everything he was asked to do. He has never had a complaint. He has upheld his end of
1046 the bargain when he moved into this neighborhood.

1047

1048 Mr. Foor said he is a concrete subcontractor; he does not buy concrete from Mr. Savko
1049 but he supports this and does not think they are giving Mr. Savko the benefit of the doubt.
1050 His property is not contaminated and it has been tested. The traffic coming in and out is a
1051 concern but it is something they all have to deal with. He was told 10 years ago a traffic
1052 light would be installed but he not seen that yet. He also has certifications that he would
1053 have sewer, but he does not have sewer yet. It takes time, he said.

1054

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1055 Mr. Foor said the township also allowed him to have a gymnastics facility in his unit and
1056 he plans to have that business remain on his property; the access road is necessary in order
1057 to get a light. He asked Mr. Savko if he has ever purchased concrete from him and Mr.
1058 Savko said “not the first pound.”
1059

1060 Mr. Foor said knows and respects the Savko family; they have very high standards and his
1061 trucks are clean, possibly the cleanest in this county and in Columbus. His building on
1062 Bethel Road is very clean and top notch and there is no doubt in his mind that he will do
1063 everything he says he will do.
1064

1065 Mr. Foor said that Mr. Savko brought RCC concrete to this part of the country and all of
1066 that will be royal compacted concrete which will help maintain the dust. He met with him
1067 once to review this proposal like he did with other neighbors. He said he was all for it and
1068 he was willing to talk to anybody about it. Mr. Foor said that slamming tailgates does not
1069 happen anymore in the industry and that is “old school.”
1070

1071 Ms. Korleski said that everything that Mr. Savko has agreed to will be in writing, and that
1072 is all the BZC can ask for, to hold him accountable for those commitments. A person
1073 from the audience said it seems she has already made up her mind and several others
1074 repeated that. Somebody asked why the neighbors were here and Ms. Korleski said she
1075 did not know.
1076

1077 An unidentified woman asked whether any tax abatements had been requested. Mr.
1078 Savko said “No” and that he would pay his fair share straight up.
1079

1080 Mike Spain, 700 N. Old State, said that Mr. Foor’s property is zoned PCD, which is a big
1081 difference, while Mr. Savko is PID, which is a different kind of operation. He said Foor
1082 Concrete is a good neighbor and he was sure Mr. Savko would be a good neighbor, but he
1083 is opening the door to dissimilar zoning in an area. The old Evolution Ag is zoned PID,
1084 but it is used as PCD. Foor Concrete is also PCD, but the property in the middle is being
1085 requested to be PID.
1086

1087 Mr. Spain said for a reasonable person, the highest and best use of the property is to have
1088 like uses grouped. This is a residential and commercial area, and they are requesting to
1089 bring industrial into the middle of it. He said there may be another place Mr. Savko could
1090 go where there is industry. There are already batch plants in Delaware and this is an
1091 economic decision to build here because the area is poised for growth. It is a good idea to
1092 have a batch plant here to make more money but it could go in another area.
1093

1094 Ms. Korleski said there is PID just west of the subject property. Mr. Spain said that is
1095 correct but for 25-30 years it has had a PCD use; it has never had a PID use. Foor
1096 Concrete is PCD; he brings his trucks in at night and they go out in the day and there is no
1097 manufacturing that occurs there. The subject application proposes building a batch plant
1098 right in the middle of the commercial and primarily residential area. Property values will
1099 take a hit; this is spot zoning and this should be PCD because it is a more acceptable
1100 neighbor than PID. He said Savko is a good operation, but this development is being
1101 placed in the center of houses and commercial. Zoning the property PID is the lowest use
1102 of the land.
1103

1104 Anthony Macedonia, 600 N. Old State Road, asked what would happen if a truck is
1105 leaving the Savko property and pulls into the middle of the median to make a left going
1106 east on US 36/SR 37. At the same time a truck is driving east on US 36/SR 37 waiting to
1107 turn in and he asked whether that cement truck would be stopped at 0 MPH in the fast
1108 lane of US 36/SR 37.
1109

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1110 Mr. Savko said two trucks could fit in the median. He has discussed this with ODOT and
1111 it may be necessary to put a small turn lane in for eastbound traffic. It depends on when
1112 the backage road comes in. Mr. Macedonia said that earlier he had stated he would
1113 observe it for a week to see how the trucks accessed the property. Mr. Macedonia asked
1114 how many other facilities he had. Mr. Savko said there are four but every road is
1115 different. He said if he thought one of his trucks in the center would back up traffic and
1116 cause an accident, he would not be part of that picture. Mr. Macedonia said it could be a
1117 supply truck as well. Mr. Savko said it could be anybody.

1118
1119 Mr. Macedonia asked how a stopped vehicle in the left lane of 36/36 eastbound not be a
1120 concern. Mr. Savko said it would be a concern for any vehicle coming down the road.

1121
1122 Hope Burns, 385 N. Old State Road, said Ms. Korleski keeps referring to property that is
1123 already zoned industrial. However it is not used as industrial and this would be the first
1124 property that is, which is why the neighbors were so concerned. She said Mr. Savko has
1125 referred to state of the art and wonderful filtration systems. When that system fails, what
1126 will the impact be to the residents?

1127
1128 Mr. Savko said if the system fails, the plant turns off immediately and there would be no
1129 impact to the neighbors. Ms. Burns said if the EPA comes in and cites the plant for a
1130 violation, how do the residents know the impact it has on them? Mr. Savko was not sure.
1131 Mr. Burns said he does not live here. She said the neighbors do not want this; this is their
1132 home. She said that Mr. Savko cannot answer the question because there is no answer.
1133 She has worked in radiation for 20 years. It is Mr. Savko's job to know the answer to this
1134 question, and he does not because this is not his home.

1135
1136 Alan Magnussen, 5300 Baker Road, asked whether a wind study has been done. The
1137 wind whips through his backyard and anybody who states a few drops of water will hold
1138 that dust level down is "crazier than a baboon."

1139
1140 Mr. Glassburn was concerned about accidents and safety. Ms. Korleski said the points
1141 haven been belabored and she knows where everybody stands here. Kimberly
1142 Wooldridge, 440 N. Old State Road, said she did not think the audience has hit all the
1143 points but she thought Ms. Korleski has hit all the points she would like to address and
1144 she can tell by the duress in her facial expressions while the residents are speaking. The
1145 residents respectfully listened to Mr. Savko for 1 1/2 hours. Ms. Korleski asked what
1146 she would like to address.

1147
1148 Ms. Wooldridge said it appears that this property being an economic development piece is
1149 driving Ms. Korleski's opinion already that this is a go-ahead. Ms. Korleski said she has
1150 no opinion yet. Ms. Wooldridge said she should be cognizant of her representation, not
1151 only the verbal reprimand she gave earlier but also her demeanor, which is against
1152 anything the residents have to say. That is disheartening because she is here to represent
1153 the residents and to be their advocate. This is the only option the residents have to
1154 express their concern and her opinion has been displayed in her facial expressions.

1155
1156 Ms. Korleski said she has not looked at the residents' facial expressions. Ms. Wooldridge
1157 said they have been watching her and feel she has disdain for the comments made by the
1158 residents. However, when Mr. Savko was speaking, she was fully engaged; there was no
1159 shoulder tilting or facial expressions indicating she did not want anybody to speak. There
1160 was additional discussion.

1161
1162 Ms. Wooldridge said economic development is going to happen, but they need to be
1163 cognizant that this is not Rickenbacker or Lockbourne. This is a very different
1164 demographic; Delaware County is one of the fastest-growing counties and it has a
1165 different household per capita income than those areas. His most beautiful plant is not

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1166 going to be the residents' vision of where they want to live and that is not what she has
1167 worked so hard for.

1168

1169 Ms. Korleski said Ms. Wooldridge was upset because she reprimanded her. Ms.
1170 Wooldridge said she is not upset but she is disheartened. What is upsetting is that this is a
1171 proposition that Mr. Savko brought to the township and Ms. Korleski feels that the
1172 residents were not in it from the beginning. She did not know how she could have been
1173 involved or educated herself any more quickly once they were informed of what was
1174 going on.

1175

1176 Ms. Wooldridge said she still has not heard specifics. Ms. Korleski said she should not be
1177 attacking her personally because of her demeanor. Ms. Wooldridge apologized if she
1178 took it as attacking but she wanted her to be aware that she is representing the residents
1179 and is making them feel that they do not have representation from the BZC. There was
1180 additional discussion.

1181

1182 Ms. Korleski said she has not already made a decision and she is looking at the
1183 application and listening to the residents. The residents are all against whatever the
1184 applicant wants and that is fine, but she has an open mind. Ms. Wooldridge said she
1185 wants her to be aware of why the residents are against it, which are very specific reasons.

1186

1187 Ms. Wooldridge said she has concerns regarding the decibel level; she has heard the
1188 reading coming from north to south. This property will go back pretty far west. The
1189 residents are familiar with the topography there. There is a huge echo that comes from
1190 Alum Creek all the way over to the other side of North Old State Road. When kids are
1191 playing they can be heard. Magnify that sound by 70,000 pound trucks going in and out.
1192 The Ferguson Company pipe supplier will cause additional trucks.

1193

1194 Ms. Woolridge said nobody knows what is going in the back part of this property but
1195 nobody seemed to be concerned about it, which is not surprising. Ms. Korleski said that
1196 was a personal affront. Ms. Wooldridge said Mr. Savko had stated that he was in a
1197 position where he does not need to sell that property for his deal. 15-20 minutes prior to
1198 that there was no indication that he ever intended to sell it and he was only going to lease
1199 it.

1200

1201 Ms. Quinn said the exact quote from Mr. Savko was "I don't have to sell property
1202 immediately to pay for our deal."

1203

1204 Ms. Wooldridge said Ms. Korleski has pointed out that the corner is PID; however, it has
1205 never been used PID and it is an agricultural equipment store. That is very different than
1206 a cement plant. The PID will just continue to expand with multiple plants and a traffic
1207 light. That is not what she envisioned when she purchased the property that she worked
1208 so hard for. She does not want to ride her horse to get to the Delaware trails behind semi-
1209 trucks. It does not fit in this area. This is an agricultural area and they like being outside.
1210 She does not want to see mounds, beautification of walls, fences, and bricks.

1211

1212 Ms. Wooldridge said there is no safe way to get a 70,000 pound truck at 65mph to come
1213 to a stop easily. There is no way for all that traffic to not create noise. There is no way the
1214 dust containment will be 100%. She asked about the traffic; once the permit is issued
1215 who is responsible for the road maintenance and who manages US 36/SR 37 after so
1216 much traffic from this industrial complex breaks down the road.

1217

1218 Ms. Wooldridge asked how often the EPA really comes to test after the permits are
1219 granted and how residents can get copies of those reports. Just putting things in writing
1220 does not make it enforceable. Ms. Korleski asked if she was done yet. Several audience
1221 members spoke up. There was additional discussion.

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1222 Ms. Korleski said she is here to enforce the zoning resolution and the CLUP of Berlin
1223 Township.

1224
1225 Stephen Shelley, 744 N. Old State Road, asked about vibration levels; he feels the trucks
1226 before he can even see them. This is just going to boost the vibration level to no end. He
1227 has lived here for 20 years and has seen many people in this area build really nice homes
1228 only to have this company come in and trash the tranquil nature they live here for. This
1229 development will create a lot of noise and it will be atrocious and the residents do not
1230 want any part of it.

1231
1232 Troy Hendren said he lives ½ mile outside of Delaware County in Johnston, where he has
1233 been a Monroe township trustee for nearly 20 years. He has been visiting meetings in
1234 other areas lately to see how growth is affecting them. He said Ms. Korleski is here by
1235 the Ohio Revised Code and members have to be impartial on everything. Trustees
1236 appoint zoning commission members. He does not do any business with Mr. Savko or
1237

1238 Mr. Foor but he is in the trucking business as well. He said backup alarms etc. have come
1239 a long way. He said if there is going to be an operation in the community, the Savko
1240 company is top of the line. He does not live here but does live between two other
1241 concrete plants.

1242
1243 Jennifer Cunningham, 612 N. Old State Road, said Ms. Korleski asked in the beginning
1244 why they were there. Ms. Korleski said she was being facetious because she was asked
1245 why she was there and sometimes she just says what she feels. Ms. Cunningham said if
1246 that is her approach, she should expect that in return. There was additional discussion.

1247
1248 Ms. Cunningham said the residents have not shown up before because they trusted that the
1249 people they voted for would appropriately represent them but unfortunately it does not
1250 appear like that has happened. Ms. Cunningham said she is here because she is a mom
1251 with young kids and driving kids and all of these things are very concerning for her. Her
1252 family pays high taxes for Olentangy schools, and she asked whether Ms. Korleski had
1253 done her due diligence and asked the school board how they feel about this including their
1254 school busses having their day interrupted by 40 trucks every day. That should be part of
1255 the decision making and she was not sure whether she had really done her due diligence
1256 and really explored the effects of this on the community. There was back and forth
1257 between Ms. Korleski, Ms. Cunningham and Ms. Woolridge.

1258
1259 Ms. Cunningham asked whether the school board has been consulted regarding this. Ms.
1260 Korleski said that does not come under the BZC's jurisdiction and they do not do
1261 anything with the school board.

1262
1263 Ms. Kaplan said she has been on several redistricting committees and she has asked those
1264 questions of the school board, who told her that it is the responsibility of the citizenry to
1265 represent the school and its interests. The traffic study does discuss the issue a little, but
1266 unfortunately it is not under the zoning purview.

1267
1268 Barb Chokreff, 429 N. Old State Road, said at this point the issues have been stated and
1269 she asked how the BZC goes about making its decision. Ms. Korleski said that typically a
1270 vote would be taken but the applicant can also request a tabling.

1271
1272 Mr. O'Brien said that he has served in many respects including the township fire
1273 committee, the zoning board, township clerk, township trustee and then county
1274 commissioner and he is back to this. It is very frustrating to have to take an oath to follow
1275 the Ohio Revised Code, the Ohio Constitution, and the US Constitution, because the BZC
1276 is "stuck" with what is within its purview. When he was a trustee, he did speak to the
1277 school boards, because elected officials talk to other elected officials. However, BZC

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1278 members are not elected and it is not really appropriate for them to talk to the school
1279 board for issues like this. He suggested the residents talk to the township trustees to talk
1280 to the school board.

1281
1282 Mr. O'Brien said that when he and Mr. Spangler were township trustees, they received
1283 negative feedback from then-school board president Dimon McPherson, who stated
1284 "growth, we love growth." They had stated that for every 100 homes, there were that
1285 many more kids that needed to be educated. Mr. O'Brien asked the schools to help him
1286 express his viewpoint that they do not want all this growth. However, Mr. McPherson
1287 had stated that the growth was just fine, and Mr. O'Brien and Mr. Spangler were "slapped
1288 down bigtime". After that, the developers ran with that and the area grew.

1289
1290 Mr. O'Brien said that regarding the Ohio Revised Code, there are certain things a person
1291 is required to vote for. This zoning resolution was voted on by the citizens at one point.
1292 Under article 21, NAICS code 3273 states "cement and concrete products/manufacturing
1293 providing no hazardous waste or burned in kilns." The BZC "basically has to vote yes."

1294
1295 Mr. O'Brien said regarding particulates, that is not in the public good, but that needs to be
1296 addressed with the trustees to initiate a change in this zoning resolution. Ms. Chokreff
1297 asked if it was correct that the BZC would have to approve this. Mr. O'Brien said, not if
1298 they ask for divergences. He can totally agree with the residents but still have to vote
1299 opposite of this.

1300
1301 A man asked whether it was correct that it really does not matter what they say as a
1302 community. He said Mr. O'Brien just said he had to vote a certain way, and also the
1303 hearing got started off on the wrong foot. It seems everybody's minds have already been
1304 made up, so the residents' time has been wasted.

1305
1306 Mr. O'Brien said that was not correct because they must comply with certain criteria, such
1307 as mounding, it can be denied. Ms. Chokreff asked whether what has been provided by
1308 the applicant meets the requirements of the ORC and would have to be approved. Mr.
1309 O'Brien said "maybe."

1310
1311 Ms. Chokreff asked how to get a copy of the ORC in order to determine whether it is met.
1312 Ms. Korleski said the residents can also request additional buffering. Ms. Chokreff said
1313 one of the proposed plans was to dump pipes near her property and she asked whether
1314 they would be placed there or just dumped there. Ms. Chokreff asked if this is going to
1315 happen, what points could the neighbors bring up to make it more of a benefit to the area
1316 in order to protect what they have?

1317
1318 Mr. O'Brien said that is not really legal for the BZC to do but she could discuss that with
1319 the zoning inspector. Ms. Chokreff said she just paid a lot of money for the property and
1320 renovations and this facility is right in her backyard.

1321
1322 Mr. O'Brien said the BZC is legislative, and the zoning inspector is executive and
1323 enforces the zoning resolution. If the residents do not like what the BZC does, they can go
1324 to the trustees. If they do not like what the trustees do, they can file a referendum.

1325
1326 Paul Hilderbrant, 501 N. Old State Road, asked how the BZC would vote if they could
1327 vote tonight after hearing everybody's comments. A person said it was not based on their
1328 comments. Mr. Hilderbrant asked for a vote from the BZC.

1329
1330 Mr. Heid asked if he could state something as a resident not the zoning inspector. He said
1331 he has lived here for many years and his grandparents owned a farm on Peachblow Road.
1332 When he was a child it was all agricultural/rural and very beautiful. It is still that way
1333 somewhat but the area is developing now. He cannot control looking out over the fields

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1334 as they do not belong to him and there will be houses someday. He must live with the
1335 development that is coming north. The only way he could control it is if he purchased the
1336 property.

1337
1338 Mr. Heid then spoke as the zoning inspector. He said everybody has the right to their own
1339 fortunes and development plans, even the M/I Homes, Homewood Homes, etc. All the
1340 people who come up here because they want to live in the country are literally taking
1341 away the country.

1342
1343 Ms. Chokreff said she would be more receptive if the property was commercial, not
1344 industrial, for example if the property was being rezoned as a restaurant or a strip mall.
1345 There is not sewer system available. Mr. Heid said nobody knew for sure when that will
1346 come and it has to start somewhere. His point is that one needs to look at the township's
1347 Comprehensive Land Use Plan, which the residents of this community put together many
1348 years ago and still revises once in a while, regarding where they want the industrial and
1349 commercial. US 36/SR 37 is planned to be a commercial and industrial corridor. He said
1350 there is a strip mall on the freeway.

1351
1352 A person said that is commercial, which is something different. Mr. Heid said it was not
1353 really; there are some aspects of commercial and industrial plants that are identical.
1354 These districts are called "planned" because any changes to what the developer originally
1355 agreed to would need to be considered and approved by the BZC because it is a change to
1356 the plan. Somebody said this is a preliminary plan. Mr. Heid said anybody can look at
1357 the ORC online. Mr. O'Brien said he has the county prosecutor come in and assist in
1358 interpreting the ORC.

1359
1360 Somebody said they have been here three hours and asked for the next step. There was
1361 additional discussion. Ms. Korleski said there is one more letter from Alycia Ryan and
1362 Sandra Thrasher, 594 N. Old State Road. Alycia Ryan, 594 N. Old State Road, said she
1363 did not need to read the letter because it states what has been said already at this meeting.

1364
1365 Brendan Nebraska, 414 N. Old State Road, said he sat through nearly every meeting of
1366 the CLUP years ago and he was part of all of those discussions. He noted that he has been
1367 on both sides of zoning as he has worked as vice president of sales for M/I Homes and
1368 Dominion Homes. He asked the BZC as well as the trustees to look back at the
1369 discussions regarding the CLUP, specifically regarding the reservoir area, going in
1370 centrifugal circles around that and preserving the rural feel of this community at all costs.

1371
1372 Mr. Nebraska said that regarding the spot zoning for Seraph and Evolution Ag, those were
1373 problem areas that were discussed as not being the right zoning at the time but they were
1374 there and they had to deal with them in the plan. However, they did not want to
1375 compound those areas by adding additional industrial areas all around them. The
1376 discussion at that time was to keep that peninsula in the middle of Alum Creek as
1377 residential and commercial as possible. He asked the BZC to look back at all of that as
1378 they finalize their decision, as that was discussed by the residents at the time when that
1379 plan was put together.

1380
1381 Ms. Korleski asked what the applicant wanted to do. Mr. Shade said they could vote and
1382 the application could go forward, or they could provide additional information at a future
1383 date.

1384
1385 Mr. Shade said unless the BZC needs more information, he would like to go for a vote.
1386 Ms. Korleski said all the conditions would need to be written down in order to make a
1387 motion. Mr. O'Brien suggested a recess in order for the conditions to be written down
1388 and then they could be reviewed. There was additional discussion.

1389

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1390 Ms. Korleski said the commitments made by the applicant will be written down and
1391 initialed and there would be a 5 minute recess.

1392
1393 Meeting was returned to session.

1394
1395 Mr. Shade said after looking at the list of commitments and taking into consideration
1396 many comments made this evening, he is requesting that this matter be tabled to the
1397 5/23/17 meeting. He will be working on language and the drawings then bringing it back
1398 at that time. All commitments will be in writing.

1399
1400 Ms. Korleski said she knows the residents all have concerns. They could take it upon
1401 themselves to, if they have something they specifically would like to see, to contact the
1402 applicant. For example, the Chokreffs about the northern end of the subject property and
1403 they are asking for additional buffering in that area, and the applicant will accommodate
1404 that.

1405
1406 Ms. Korleski said Mr. Savko's phone number is (614)451-2242, email
1407 msavko@nicksavko.com, and Mr. Shade's phone number is (740)363-9732. If residents
1408 have more concerns or they want more discussion between now and May 23, they can
1409 contact them.

1410
1411 Mr. Spangler noted to the residents that because the hearing will be tabled to a date and
1412 time certain, it will not be re-advertised.

1413
1414 **RESOLUTION 2017.04.25.#A:**

1415 **CONTINUE AND TABLE BZC 16-006 TO 5/23/17 AT 7:00 P.M.**

1416
1417 Mr. O'Brien made a motion to continue and table BZC 17-006 to May 23, 2017 7:00 p.m.
1418 at 3271 Cheshire Road. Ms. Kaplan seconded the motion.

1419 Vote: O'Brien, yes; Kaplan, yes; Spangler, yes; Valentine, yes; Korleski, yes. Motion
1420 carried, BZC 17-006 continued and tabled to 5/23/17 at 7:00 p.m.

1421
1422 There was no further business. Motion to adjourn. Meeting adjourned.

1423

1424
1425 _____
1426 Toni Korleski, Chairperson

1427
1428 _____
1429 Jerry Valentine, Vice-Chairperson
1430

1431
1432 _____
1433 Darcy Kaplan, Member
1434

1435
1436 _____
1437 Steve Spangler, Member
1438

1439
1440 _____
1441 Ken O'Brien, Member

1442
1443
1444 Attest: _____
1445 Lisa F. Knapp, Berlin Township Zoning Clerk