

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

REGULAR MEETING

FEBRUARY 14, 2017, 7:00 PM

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

3 **CALL TO ORDER**

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5 The meeting was called to order by Chairperson Toni Korleski at 7:00 PM.

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7 Mr. Valentine led meeting attendees in the pledge of allegiance.

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9 BZC present: Toni Korleski, Jerry Valentine, Darcy Kaplan, Ken O'Brien, Mike Bardash
10 (1st alternate member, seated).

11 Also present: Zoning Clerk Lisa Knapp; Zoning Inspector Chet Heid; Zoning Secretary
12 Cathy Rippel.

13 Not present: BZC member Steve Spangler; BZC 2nd alternate member Martin Johnson,
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15 Ms. Korleski read the adopted BZC policy statement for the meeting, as printed in the
16 agenda.

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18 **AGENDA ITEM: LEGAL NOTICE**

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20 Ms. Knapp said the meeting was advertised in the 2/4/17 Delaware Gazette, as follows:
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22 *BERLIN TOWNSHIP ZONING COMMISSION*
23 *NOTICE OF PUBLIC HEARING*

24
25 *The Berlin Township Zoning Commission will hold a public hearing February 14, 2017 at*
26 *7:00 p.m. at the Berlin Township Hall located at 3271 Cheshire Road, Delaware, OH*
27 *43015 in order to consider an application, designated as BZC 14-012, filed by Charles*
28 *Vince, 110 Polaris Parkway, Suite 301, Westerville, OH 43082. The applicant is*
29 *requesting approval for a final development plan known as Sycamore Trail, 21.34 ±*
30 *acres, Parcel #41814001022000 and Parcel #41814001021000 Africa Road, Galena, OH*
31 *43021, that has been rezoned from Farm Residential District (FR-1) to a Low Density*
32 *Residential District (R-2) with a Planned Residential District (PRD) overlay. The text of*
33 *this application will be available for public examination from, February 6-February 14,*
34 *2017, Monday-Friday from 8:00 a.m. to 4:30 p.m. at the Berlin Township Zoning Office*
35 *located at 3271 Cheshire Rd., Delaware, OH 43015 or you can review the application on*
36 *our website www.berlintwp.us Questions concerning this matter should be directed to the*
37 *Zoning Office at 740-548-5217 x103. The person responsible for giving notice of the*
38 *public meeting by publication is Cathy Rippel. Township residents are encouraged to*
39 *attend.*

40
41 *BERLIN TOWNSHIP ZONING COMMISSION*
42 *Toni Korleski, Chairman*

43
44 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

- 45
46 ♦ Paul McCord, 1148 Forsythe Lane, Galena
47 ♦ Selina McCord, 1148 Forsythe Lane, Galena
48 ♦ Marti Davis, 1950 Lackey Old State Road
49 ♦ Dave Davis, 1950 Lackey Old State Road
50 ♦ Barbara Sherman, 1469 Africa Road
51 ♦ Joe Korleski, 3584 Greenville Drive
52 ♦ Neal Matteson, 3433 Cheshire Road
53 ♦ Chet Wampler, 1112 Forsythe Lane
54 ♦ Earl Bringardner, 3469 Piatt Road
55 ♦ Betty Bringardner, 3469 Piatt Road

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- 56 ♦ Tom Reese, 720 E. Broad Street, Columbus, OH
57 ♦ Chris Vince, 110 Polaris Parkway, Ste. 301 Westerville, OH 43082

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AGENDA ITEM: BZC 16-012 Sycamore Trail

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61 *BZC 14-012, filed by Charles Vince, 110 Polaris Parkway, Suite 301, Westerville, OH*
62 *43082. The applicant is requesting approval of a final development plan known as*
63 *Sycamore Trail, 21.34 ± acres, Parcel #41814001022000 and Parcel #41814001021000*
64 *Africa Road, Galena, OH 43021, that has been rezoned from Farm Residential (FR- 1) to*
65 *a Low Density Residential District (R-2) with a Planned Residential District (PRD)*
66 *overlay.*

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68 Ms. Korleski said the applicant has submitted two late exhibits that need to be entered into
69 the record.

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Motion to enter Utility Plan into the Record as Exhibit O

72 Ms. Korleski made a motion to enter the submitted utility plan into the record as Exhibit
73 O. Mr. O'Brien seconded the motion.

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74 Vote: Korleski, yes; O'Brien, yes; Bardash, yes; Kaplan, yes; Valentine, yes. Motion
75 carried.

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Motion to enter Water System Exhibit into the Record as Exhibit P

78 Ms. Korleski made a motion to enter the submitted water system exhibit into the record as
79 Exhibit P. Mr. Bardash seconded the motion.

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80 Vote: Korleski, yes; Bardash, yes; O'Brien, yes; Valentine, yes; Kaplan, yes. Motion
81 carried.

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83 Tom Reese, 720 E. Broad Street, Columbus, Ohio, presented the plan and answered
84 questions. Chris Vince, 110 Polaris Parkway, Ste. 301 Westerville, Ohio was also present
85 to answer questions.

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87 Mr. Reese said the preliminary plan for Sycamore Trail received approval in March 2014.
88 Mr. Reese said that later, Real Properties was granted a one-year extension, and he is here
89 now requesting that the final development plan be approved. This is the exact subdivision
90 that came through in the preliminary development plan. The only revision made to the
91 prior submittal is that it is now connecting to the sanitary sewer in Sherman Lakes
92 through the side yard to properties that we have obtained easements from because there
93 were depth issues with the sewer coming from the east side of Africa Road.

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95 Mr. O'Brien said that he has a question regarding the 2/14/14 Exhibit I. He asked how
96 many of these homes would have side load garages and how many would have front load
97 garages. Mr. Reese said he did not have an exact count. Mr. O'Brien said some maps
98 appear that most are front-load garages except for two, and another looks like all are side-
99 loaded except for one. Mr. Reese said he believed that all the lots were set up to be wide
100 enough to accommodate side-load garages. Mr. O'Brien asked what the commitment was.

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102 Ms. Korleski said the text states that there would be a maximum of 25% of the street-
103 facing garages. That would mean that four units would be front-load garages and the rest
104 would be side load garages. Mr. Reese anticipated all of them to be side load garages.
105 Mr. O'Brien said lot 12 would appear to not allow side load garages. If the commitment is
106 that there are only four front-load garages, then he is not concerned.

108

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108 Mr. O'Brien asked whether the pond would accept drainage water from the streets, houses
109 etc. and whether it would be increased in size from its existing size. Mr. Reese said the
110 drainage will go to the existing pond closest to Africa Road and that existing pond will be

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111 utilized to control storm water quality as required. Mr. O'Brien asked whether it was
112 correct that it would detain water. Mr. Reese said that was correct. Mr. O'Brien asked
113 whether the pond would have an aeration system and Mr. Reese said he has not planned
114 for that yet. Mr. O'Brien said he does not want a green scummy pond and Mr. Reese
115 agreed. Mr. Reese committed to installing a fountain in that pond.

116

117 Mr. O'Brien asked that the end walls and headwalls be made of stone or material that
118 looks like stone so they do not look industrial. There was further discussion and Mr.
119 Reese agreed to not make the headwalls and end walls look industrial. He was not certain
120 what the options were and he did not want to install veneer materials which have had
121 issues in the past. Mr. O'Brien said that was acceptable to him.

122

123 Mr. Bardash said he agreed with the divergences.

124 Ms. Kaplan asked about the length and characteristics of the cul-de-sacs. Mr. Reese said
125 the pavement is around 80' to provide for sufficient turning radius for township fire
126 vehicles and there will be no islands.

127

128 Ms. Korleski said the divergences include a request to reduce the side yard setback from
129 20' to 15', the lot frontage on lots 7, 8, 11 and 12 reduced to 65' minimum but 100' wide
130 at the build line. Mr. Reese said that was still the same. Ms. Korleski said the text also
131 states: property perimeter landscape: no buffering along Africa Road due to the power
132 lines or at the Open Space A to allow for the pathway on the south side of the entrance.

133

134 Mr. Vince said the landscaping and setbacks were left alone with the exception of
135 designating specific types of plants. Ms. Korleski said the applicant was also requesting
136 that the landscaping plan be approved by the zoning inspector when the home is being
137 built. Mr. Vince said that was correct and the developer has no control over the
138 landscaping. There are requirements that the lots be landscaped but there is no way to tell
139 what that will be at this time.

140

141 Ms. Korleski said page 10 of the application includes a divergence to place trees between
142 the sidewalk and the curb. Mr. Vince said that was correct. Ms. Korleski said that is not
143 acceptable and she would like to see them in the front yard. She asked why this was
144 being done. Mr. Vince said they are planted outside of the sidewalk in the public right-of-
145 way. Mr. Reese said it was fine with him to move them behind the sidewalk.

146

147 Ms. Korleski said the issue is maintenance. Mr. Heid said when the trees get large enough
148 they must be trimmed and cut and snow plows may hit them. Mr. Reese committed to
149 placing the trees outside of the right-of-way and inside the sidewalk. Ms. Korleski
150 confirmed that would be inside the homeowner's property and said that would be a fifth
151 divergence.

152

153 Ms. Korleski said the map indicates a bike path along Africa Road and one states
154 "proposed future bike path." Mr. Vince said that should just state "proposed bike path".
155 Ms. Korleski said it states "bike easement, future bike path." Mr. Reese said it was a long
156 time ago but perhaps he decided not to build that because it does not go anywhere; it
157 dead-ends into Alum Creek Park and will never go past that. Ms. Korleski said she would
158 like him to include the path. Mr. O'Brien said county engineer Chris Bauserman would
159 most likely make him install such a bike path.

160

161 Ms. Korleski said the county wants 10' wide bike paths along all major roads and the
162 township is more vehement about wanting that now. She asked the developer to commit
163 to building that bike path, which is about 340' long. She asked whether the bike path was
164 10' wide. Mr. Vince said it is 8' wide. Ms. Korleski said the county will require 10'.
165 Mr. O'Brien added that the advantage to that is that it is only a bike path and not a multi-
166 purpose path, which must be engineered to a certain standard.

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167 Mr. Reese said originally it “had an arm” to take it up to the future sidewalk. If that was
168 deleted in the plan he could commit to the bike path on the other side. He did not see a
169 need for both paths; originally it was done that way so there is a loop instead of a bike
170 path that dead-ends, which seems senseless.

171

172 Ms. Korleski said other developers have believed it to be senseless as well but later there
173 may be connections. Mr. Reese said it is government ground and will never be
174 developed. Mr. O’Brien said it may not ever be developed but there may be a path to it in
175 the future. Mr. Reese said he would give up the loop and extend the path to the north.

176

177 Mr. Vince said the developer would not be making any improvements to Africa Road
178 along the frontage. Mr. O’Brien said they would need to be provided with access to a
179 road. Mr. Vince said they have already approved an access point and hopefully with the
180 widening that Pulte Homes has already accomplished he will only be doing
181 improvements to Africa Road south of this entrance. There will be a northbound left-turn
182 into the development. Because they have already widened for that left turn there will be
183 no construction in the frontage area. Ms. Korleski asked whether it was correct that there
184 would be two lanes out and one in. Mr. Vince said that was correct.

185

186 Ms. Korleski said she has five conditions. Ms. Korleski confirmed the bike path would
187 extend all the way Africa Road to the south all the way to the north of the property. Mr.
188 Vince said the “small arm” to tie the paths together would be removed. Mr. O’Brien said
189 the sidewalk goes to it. Ms. Korleski said perhaps that part could be built anyway. Mr.
190 Vince said he would talk to the homeowners to see what they want and perhaps install a
191 gravel path. Mr. O’Brien said the path would need to be 10’ wide. Ms. Korleski said that
192 would only be along Africa Road.

193

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Public Comment

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196 Chet Wampler, 1112 Forsythe Lane, asked whether anything could happen on Africa
197 Road and whether it would be torn up and closed down again. He said the sewer
198 situation was good. One of his main concerns is the easement where the mound is.
199 Forsythe Lane backs to this property. After the last meeting, it seemed that the applicant
200 thought they had no obligation to protect anything he already has in place. He has
201 maintained, mowed and managed an area of the property; he has an invisible fence on the
202 hill, he has neighbors with gardens that encroached on the hill, and others have beautified
203 the pine area with additional trees and decorations. The applicants do not seem to be
204 concerned that they will damage that.

205

206 Mr. Wampler asked whether he would be notified if his invisible fence was cut or
207 damaged when they cut up the yard. Ms. Korleski asked whether the invisible fence is on
208 the applicant’s property. Mr. Vince said it was. Mr. Wampler said he has mowed,
209 fertilized and managed the hill/sloped area areas for years and there has been nothing paid
210 back to him for the work he has done. Mr. O’Brien said that inverse condemnation would
211 require that he had done that for 21 years.

212

213 Mr. Vince said that the developer will be widening Africa Road in a certain section; the
214 county is requiring a left turn into the development. Mr. Wampler said the road will have
215 to be closed and he asked why that was not done at the time the last road construction was
216 done. Ms. Korleski said it is done as development comes in.

217

218 Mr. Wampler said it was known that the project was happening. He said the applicant
219 offered him \$3,500 to run the sewer through his property. He spoke with an attorney, the
220 county engineer etc. and it went up to \$20,000.00 for him and his neighbor. That was
221 almost done and the applicant stopped calling and stopped returning his phone calls. He
222 questioned the integrity and asked that the township be careful.

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223 Mr. Vince said he did speak with Mr. Wampler regarding extending an easement through
224 his property. He went on a suggestion, almost a requirement, by the sanitary department;
225 he had to install an additional manhole if they went through Mr. Wampler's property so
226 the county encouraged the applicant to try to get an easement elsewhere, and that is the
227 basis for him going to the next manhole down for the easement. Mr. O'Brien asked
228 whether he was stating that it was one less turn and Mr. Vince said that was correct.
229

230 Mr. Wampler asked whether he would be notified prior to construction on the mound so
231 he could make sure his dog does not run away. Ms. Korleski said he should stay in
232 contact with the applicants who would be happy to keep him informed on the progress.
233

234 Celina McCord, 1148 Forsythe Lane said she is in a similar situation because she has a
235 garden in the back. She moved in a year and a half ago and would like to be notified
236 because she has small children. When she moved in, the playset was past the property
237 line and the garden was already there so her backyard will look totally different. Ms.
238 Korleski said that if the garden encroaches on the other property, the BZC cannot help
239 with that but she could stay in touch with the applicant.
240

241 Mr. McCord asked what the price point would be for the homes. Mr. Vince said it would
242 be \$600,000+. Mr. McCord asked who the builder was and whether there could be
243 different builders for each home. Mr. Vince said he was not sure yet of the builder but it
244 could be multiple builders.
245

246 There was a brief recess to write the conditions on the plat map.
247 Meeting was returned to session.
248

RESOLUTION 2017.02.14.#A: APPROVE BZC #14-012 SYCAMORE TRAIL

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250
251 Ms. Korleski made a motion to approve BZC #14-012 Charles Vince, the final application
252 of a 21-acre development plan known as Sycamore Trail, with the following conditions:

- 253 1) 25% maximum number front-load garages.
254 2) Fountain will be installed in retention basins.
255 3) Headwalls in retention basin to be reviewed for options associated with natural
256 faces.
257 4) Trees to be located outside the public right-of-way.
258 5) Asphalt bike path along Africa Road illustrated on plan is per previously-approved
259 preliminary development plan. Berlin Township BZC desires bike path to be
260 extended to north property line, 10' width, but defers to Delaware County
261 Engineer in regards to the width and location. If the bike path is extended to the
262 north property line, optional bike path will not be required.

263 Mr. O'Brien asked whether the deference to the county engineer was in regards to the
264 width of the path. Ms. Korleski said it is the width and location. Mr. Bardash said they
265 also may decide they do not want a path there. Mr. O'Brien said if that happens, would
266 the loop still be in place? Mr. Reese said that is how he wrote it; if the path has to go
267 north the loop is deleted, and if it does not go north the loop remains. Mr. O'Brien
268 commented that is a win-win situation.
269

270 Mr. Bardash seconded the motion.

271 Vote: Korleski, yes; Bardash, yes; O'Brien, yes; Kaplan, yes; Valentine, yes. Motion
272 carried.
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AGENDA ITEM: OTHER BUSINESS

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Ms. Rippel said new revision books for The Pines is coming in this Thursday and she will notify the BZC when they are ready, which will allow two weekends for the BZC to review. She said members can bring their old books to the meeting and the applicant will take them back.

Mr. O'Brien said it would be nice to be notified when an approved application has passed the date for referendum. Mr. Heid said he has spoken to the fiscal officer who will scan each one individually and send it to everybody.

Mr. O'Brien said with the Fox Haven application, the township opened its offices on a Sunday so that date counted. Thirty days does not mean thirty days if the township offices are open, in which case it is the next day the offices were open. Mr. Heid said the Delaware County Regional Planning Commission needs to know when the trustees sign approval for an application, and if a referendum occurs they will know about that too. Mr. O'Brien said there was a fight once regarding whether it was 30 days from approval of the trustee minutes or 30 days from the signature.

Mr. Heid said the trustees have the minutes of the BZC's recommendation and the trustees sign the approval the day of their meeting. Mr. O'Brien said that sometimes the trustees change the BZC's recommendation and the BZC would like to know how that was changed. Mr. Heid said that information will be provided as well.

Ms. Korleski said the next meeting is on 2/28/17 at 7:00 p.m. when The Pines application will be considered.

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

SYNOPSIS

- ✓ Approve resolution 2017.02.14.#A: Approve BZC #14-012 Sycamore Trail

Toni Korleski, Chairperson

Jerry Valentine, Vice-Chairperson

Darcy Kaplan, member

Ken O'Brien, member

Mike Bardash, 1st alternate seated

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