

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**WEDNESDAY, MAY 29, 2019 7:00 PM**

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

3 **CALL TO ORDER**

4  
5 The meeting was called to order by Toni Korleski at 7:00 PM.

6  
7 Resident Larry Harmon led meeting attendees in the pledge of allegiance.

8  
9 BZC members present: Chairman Toni Korleski, Vice-Chairman Jerry Valentine, Darcy  
10 Kaplan, Mike Bardash, Steve Flaherty, 1<sup>st</sup> BZC alternate member (seated).

11 Not present: BZC member Martin Johnson

12 Also present: Ray Armstrong (2<sup>nd</sup> BZC alternate member), Zoning Inspector David  
13 Loveless, Zoning Clerk Lisa Knapp, Zoning Secretary Cathy Rippel.

14  
15 Ms. Korleski read the adopted BZC policy statement as printed in the agenda.

16 **AGENDA ITEM: LEGAL NOTICE**

17 This meeting was advertised in the annual meeting notice as May 28, 2019, and was  
18 changed to May 29, 2019 due to a scheduling conflict with the trustees. The hearing was  
19 advertised in the May 14, 2019 Delaware Gazette as follows:

20  
21 *The Berlin Township Zoning Commission regular meeting, Tuesday, May 28, 2019 at the*  
22 *Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio 43015 @ 7 PM has been*  
23 *moved to Wednesday, May 29, 2019 @ 7 PM. The person responsible for giving notice of*  
24 *the public meeting by publication is Cathy Rippel. Township residents are encouraged to*  
25 *attend.*

26 **AGENDA ITEM: APPROVAL OF MINUTES**

27 Ms. Korleski made a motion to approve the minutes from the May 14, 2019 BZC  
28 meeting as presented. Mr. Valentine seconded the motion.

29 Vote: Korleski, yes; Valentine, yes; Flaherty, yes; Kaplan, yes; Bardash, yes.

30 Motion carried. Minutes approved.

31  
32 **Agenda Item: Introduction of Meeting Attendees**

- 33 • Scott Sanders, executive director of the Delaware County Regional Planning  
34 Commission.  
35 • Jim Sisson, 6755 Amaral Road (did not sign in)  
36 • Larry Harmon, 3931 Africa Road  
37 • Terry Andrews, with Westport Homes  
38 • Molly Gwinn, attorney with Isaac Wiles law firm  
39 • Joe Korleski, 3585 Greenville Drive  
40 • John Wicks, Real Property Design and Development  
41 • Rob Platte, with Delaware County Economic Development  
42 • Marty Savko, with Savko  
43 • Drew Grudowski, 4484 Baker Road

44 Ms. Korleski said there are not enough BZC members able to attend the June 11, 2019  
45 BZC meeting for Westport Homes, so it is canceled. She said that Berlin Meadows was  
46 to be heard on June 25, 2019 and it was requested that they agree to table and continue  
47 that hearing to July 23, 2019, which they agreed to. Westport Homes will be heard at the  
48 June 25, 2019 hearing and they are in agreement with the changes.

49  
50 There were no objections from BZC members.

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**AGENDA ITEM: DISCUSSION REGARDING THE CLOUD ON ROUTE 36/37**

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Mr. Armstrong said at the last meeting, he provided an overview of the proposed zoning cloud for Route 36/37, and initiating the process for that was discussed.

Mr. Armstrong said the process for creating this overlay district began a few months ago. He said the two articles were provided via email, one for the Planned Commercial side, and one for the Planned Industrial side, and this includes NAICS codes. Information regarding residential districts has been included in the text as well as the process that applicants will go through.

Mr. Armstrong said that after an applicant has submitted their completed plan, they will be able to receive zoning approval without going through a rezoning hearing. The plan will be brought to the BZC and then to the trustees for their final approval. This will speed up the process, he said.

Mr. Armstrong said the parties involved with the cloud are not requesting that the BZC make any decisions at this point; it has not been initiated and thus not advertised yet. The procedures for a public hearing will be followed.

Ms. Korleski asked whether the procedure will be that the BZC initiates the two articles, then it goes to the DCRPC, who provides comments, and then the BZC will advertise a public hearing for the public to be heard, and there could then be another meeting advertised after that.

Mr. Armstrong suggested that once it is initiated and sent to the DCRPC, the BZC will advertise which area is the subject of the discussion. A public hearing will then be heard, just like any other zoning issue. Ms. Korleski asked whether he was looking to initiate the process tonight. Mr. Armstrong said he was.

Mr. Sanders said it would be heard the last Thursday of June by the DCRPC.

Mr. Platte said he is the Delaware County Economic Development administrator under director Bob Lamb, and also he represents the finance authority. They are partnering entities on this large scale project that is 2000 acres along the 36/37 corridor. His office has received numerous comments regarding development in this area, and their position is to get ahead of it, get it done right, and get it in place to benefit the township, residents, and the county.

Mr. Platte said the document has been reviewed and comments provided. He said this is going to be a long process and there should be public hearings with the residents involved and their input received. This is the first step in the overlay zoning effort. The overlay would not force residents to do anything, but just provide options for development. It is part of a bigger picture in which his department wants to position this land with various tax incentives. The township trustees will eventually be considering a JEDD (Joint Economic Development District), and his department will also be proposing a special improvement district program.

Mr. Platte said this is a major starting point to opening up the other pieces of this area. He would like to be involved all the way through to share input received from others, and also provide input regarding what his department believes is important.

Ms. Korleski asked about the MOU (memorandum of understanding) for the property owners. Mr. Platte said he reached out to property owners in the affected area to gauge interest prior to committing extensive time and resources to the project. Thus, a non-binding MOU was drafted that stated the property owners are interested and would like to engage in discussions.

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109 Mr. Platte said the 2000 acres includes around 53 parcels with around 30 owners.  
110 Around half have signed the MOUs at this point, and that is a good indication that there is  
111 interest in repositioning land and getting these things in place. Later, binding agreements  
112 that spell everything out will be prepared.

113  
114 Ms. Korleski asked whether property owners in that area could exclude their property  
115 from the cloud. Mr. Platte said it would be up to the BZC to decide the area where the  
116 cloud would be located. The MOU is for his office's extensive efforts and expenses  
117 involved.

118 Mr. Armstrong said this is a tool and is not a requirement. He said the Comprehensive  
119 Land Use Plan (CLUP) has had a development corridor going back over 20 years. A  
120 small portion is commercial and a small portion is industrial. He said no property owner  
121 will be forced into using the cloud and it is not a tool that must be used. It is just like the  
122 overlay in the Village of Cheshire. The zoning is not being changed; this is just a tool.

123  
124 Mr. Sanders said he was engaged to do the structural work of putting the document  
125 together, and Mr. Armstrong has explained the overlays well. There are several in the  
126 county including Berkshire Township around the interchange. This is structured so when  
127 a development plan comes in, it goes to the BZC and to the trustees. It would be a single  
128 development plan so their homework will need to be done ahead of time. The cloud  
129 makes sense because the township will just need to make sure that the established  
130 standards for the cloud are followed.

131  
132 Mr. Sanders said the criteria for consideration will be the map, whether it covers the right  
133 area, the list of uses, and the standard. There is also phrasing regarding an allowance for  
134 divergences. He said the BZC may want to indicate that divergences may be submitted  
135 and will be judged by the BZC on a case by case basis, with possible exceptions for  
136 various items.

137  
138 Ms. Kaplan said 2,000 acres is a large portion of Berlin Township, and much of it is the  
139 pristine part of Berlin Township. These are wide open spaces, and she believes  
140 developers will most likely take advantage of the cloud if it is put into place, unlike in the  
141 Village of Cheshire. The BZC is tasked with retaining the rural characteristics of Berlin  
142 Township, and this plan does not appear to do that.

143  
144 Ms. Kaplan said she likes the concept of a greater tax base and a possible TIF (Tax  
145 Incremental Financing), but the subject property is massive.

146  
147 Ms. Kaplan said she was also concerned about the loss of the ability to referendum after  
148 the cloud is put into place. That means that if a resident objects to a certain use in the  
149 area, they could not challenge that via a referendum.

150  
151 Mr. Armstrong said that is why it is very important for the BZC and the trustees to ensure  
152 that the specified uses are exactly what they want.

153  
154 Mr. Armstrong said when he was zoning inspector years ago, there were several times  
155 where a business or other industry was seeking land that was already zoned, also known  
156 as a "shovel-ready" site. Most of the townships at that point did not have already-zoned  
157 property that was sitting idle. Zoning is a time-consuming process and those businesses  
158 were pressed for time.

159  
160 Mr. Armstrong said for 20 years, the 36/37 corridor has been marked as planned  
161 commercial and planned industrial. Much of the area has already been built out including  
162 in Orange Township and other areas, and this area is next. He said if the township does  
163 not control the area and set it up in advance, Delaware, Sunbury and other areas will take  
164 it and develop it as they wish with the higher densities permitted in their codes.

165

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166 Ms. Kaplan said that it appears that this is not just a corridor but that it extends further  
167 than that. Mr. Armstrong said that is up to debate by the BZC; they are just lines drawn  
168 on the map at this point. Mr. Sanders said that the boundaries can be defined using legal  
169 descriptions or defined distances.

170 Mr. Valentine said he wanted to look at it closer and he asked whether there was a time  
171 frame to put the cloud in place; is it months or weeks? Mr. Armstrong said that is up to  
172 the BZC and the trustees. He said it should take less than a year. Mr. Valentine said it  
173 appears that this plan would change some of the existing zoning, including in a  
174 commercial area that has industrial zoning, but the proposal shows commercial only. If  
175 somebody bought property with the intent of utilizing the existing zoning, it appears as  
176 though they would not be able to.

177  
178 Mr. Armstrong said nothing will force a change because the properties would be  
179 grandfathered. However, in order to come in with a different use, it will have to fit the  
180 zoning. He also noted that not all NAICS codes in the industrial and commercial areas  
181 are included. Some that are less desirable were not included and would require a full  
182 rezoning of the property.

183  
184 Mr. Valentine asked whether the road and signals would be included in the plan. Mr.  
185 Armstrong said that would be included in the thoroughfare plan and could be subject to  
186 change if necessary due to the use. He said that would be controlled by the county  
187 engineer.

188  
189 Mr. Valentine asked about the access roads. Mr. Armstrong said there will be no further  
190 curb cuts on Route 36.

191  
192 Mr. Flaherty said this is very much an “eat or be eaten” situation. Route 23 was  
193 developed and blew up faster than Orange Township could keep up with. He does not  
194 want that to happen here. This is about controlling Berlin Township’s density and  
195 providing a shovel-ready, marketable site. This will take a number of years to develop  
196 and fit in, and much of it will be considered in the new sewage plan, which is 18 months  
197 out, best-case scenario. To fill this entire area in could take many years.

198  
199 Mr. Flaherty said there are many competing entities. Columbus is one of the fastest  
200 growing cities in the country, Delaware County is the fastest growing county in Ohio, 4<sup>th</sup>  
201 in the Midwest, and 12<sup>th</sup> in the country. He said he did think it was possible to preserve  
202 the rural character of Berlin Township, although the fields will not remain. The question  
203 is, how can it be kept an attractive area while preserving the charm of Berlin Township?  
204 Developments such as Longhill and Evans Farm are examples of that. The township can  
205 ask developers to place design standards in their plans to make them different and unique,  
206 instead of just numerous commercial buildings thrown up.

207  
208 Ms. Kaplan asked whether this would prevent a property from being annexed. Mr.  
209 Flaherty said it would not, but it would provide the property owners with a more  
210 advantageous method to develop their properties. This will make their properties more  
211 marketable. He said responsible commercial development can also decrease residential  
212 taxes.

213  
214 Ms. Kaplan said regarding the financial implications of developments, she has been  
215 following for example what happened in New York with Amazon, where concessions  
216 were made but there was a backlash and Amazon pulled out. She wanted to know how  
217 offering such incentives protects the tax base.

218  
219 Mr. Platte said it is on a case by case basis, and it really only comes into play when there  
220 is an income tax mechanism in place. For a township, that would be a JEDD. What is  
221 being offset by property tax abatements would need to be evaluated for commercial and  
222 industrial businesses. By law there are time limits to each type. For example, for a CRA

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223 (Community Reinvestment Area), the maximum is 15 years. To his knowledge,  
224 Delaware County has no CRA's over 50%.

225

226 Mr. Platte said the benefit of a township that is willing to put a JEDD in place is that the  
227 tax abatements are being backed up by tax dollars. The tactic would be to take one or  
228 more tax incentive tools to incentivize companies to locate here, but on the back end the  
229 township will be collecting income tax that will help offset the abatements. It would be  
230 an immediate return as the property is developed, including on the wages of construction  
231 workers, etc. while the properties were being improved.

232

233 Mr. Platte said in 15 years, the abatement ends. There is typically a structure created for  
234 it with varied percentages. It is a balancing act between doing right by the residents and  
235 getting a company to locate here. In this case, the attraction for the township would be  
236 the income tax.

237

238 Mr. Flaherty said that from the company's standpoint, they can choose to locate in an  
239 existing building. To come to a field and build up from the ground is where the TIF's  
240 etc. come in because the abatements offset the costs of infrastructure that the company  
241 will be required to put in to make it a habitable, productive facility, as opposed to leasing  
242 an existing warehouse.

243

244 Ms. Kaplan asked where the JEDD would start and how that would fold into this. Mr.  
245 Platte said the JEDD would be an action of the trustees and the municipal partner, as  
246 would the CRAs and other incentives. Ms. Kaplan asked whether they would be co-  
247 mingled or completely separate. Mr. Platte said it could be both and could be presented  
248 as one package. He will be putting together a JEDD proposal for the trustees in the next  
249 few weeks.

250

251 Mr. Bardash asked whether it was correct that, in initiating this, the text has not been  
252 finalized and it will be in the future. Mr. Armstrong said that was correct and that the  
253 BZC will be responsible for the text that will be sent as a recommendation to the trustees,  
254 who can make further changes if desired.

255

256 Mr. Sanders reviewed the language, which included borrowing language from the  
257 Cheshire area as well as the existing planned commercial and planned industrial  
258 processes, and Berkshire Township, who has a proven legal process to use.

259

260

Public Comment

261

262 Mr. Harmon said the overlay itself is a rezoning action and it is subject to a referendum  
263 when it is enacted. The cloud will not affect current uses and zonings, he noted.

264

265 Mr. Platte said he does not want Route 36/37 to be another Brice Road with hodge-podge  
266 development. He said this is not an attempt to persuade the township either way. The  
267 finance authority has authorized his office to expend some of their money for things like  
268 design standards and other things that may help the township through this process.

269

270 Mr. Platte said there have been many changes and versions of this document and he  
271 knows more are coming. He encouraged the BZC to move forward with this tonight to  
272 start the process.

273

274 Ms. Rippel asked about some details of the plan including architectural features. Mr.  
275 Sanders said from a zoning and planning perspective, he recommends against being too  
276 restrictive because then everything ends up looking the same. The onus will be put on  
277 the developer to come up with a design book that indicates what they like and do not like.

278

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279 Ms. Rippel asked why the R-1, R-2, and R-3 PRD overlays are subject to referendum, but  
280 this cloud would not be. Mr. Armstrong said that is because those go through the regular  
281 rezoning process. The overlay district is a zoning action and is subject to referendum, but  
282 when the cloud is pulled down in the final step, it is not. Ms. Korleski said the cloud will  
283 help expedite the zoning for companies who want to locate in the district.

284

285 Mr. Sanders said that the Ohio Revised Code (ORC) allows the township to adopt  
286 planned districts, and the entire zoning resolution except Cheshire is from ORC 519.21  
287 a), which is where the developer uses the existing zoning resolution and provides a plan.  
288 The other option is b), which is where a developer comes in with a district all their own  
289 and that is adopted, and c) is floating the cloud as being discussed here.

290

291 Mr. Flaherty said ORC 519.21 c) is a newer tool the township can put into place so a  
292 developer does not have to go through the rezoning process. The process of creating the  
293 cloud is subject to referendum, while the pulling down of the cloud is not. The BZC will  
294 determine entirely what they want the cloud to look like including various features. The  
295 work is done now and all the developer has to do is to come in with their final plan, or  
296 they can come in via a traditional zoning application. The cloud designation tells the  
297 market that there are parcels in Berlin Township that are ready to be developed quickly.

298

299 Mr. Harmon said it seems brilliant to get ahead of this. He asked who spearheaded this  
300 and whether it was DCRPC or whether Mr. Armstrong did it on his own. Mr. Armstrong  
301 said he was asked by the trustees last year to work to set up this overlay, although he was  
302 not sure what prompted that. He has been working with the trustees, Mr. Sanders, and  
303 some outside sources to bring some of these items together. He spent 6 months attending  
304 Berkshire Township zoning and trustee meetings because of their overlay, and he  
305 witnessed some very interesting meetings. He noted that there may be some pitfalls that  
306 Berlin Township can avoid. He noted that he will not be participating in the voting on  
307 the cloud.

308

309 Mr. Harmon said he mentioned some other municipalities that may be similar. Mr.  
310 Armstrong said he has learned a lot from cities such as Gahanna, City of Columbus, etc.

311

312 Ms. Korleski said a driving motive would be that tax bases are necessary, and 36/37 is  
313 sitting there doing nothing. The driving force behind this concept is to prevent  
314 annexation of the property by a city. She complimented everybody who worked on this.

315

316 Mr. Armstrong said when he moved here in 1995, there were just 900 kids at Olentangy  
317 High School, and there was an 18.1 or 18.2% commercial tax base in the Olentangy  
318 school district. Today it is at 15%. Ideally, it should be 30%. This is why taxes are so  
319 high in this area, and taxes are headed in the wrong direction. He briefly reviewed the  
320 failed JEDDZ attempt by Berlin Township around 2013.

321 Mr. Flaherty noted that being proactive is much less expensive than being reactive.

322

323 Mr. Grudowski said he owns 8 acres in the middle of 500 acres along 36/37. He assumed  
324 his property may be worth more if it was already deemed to be industrial. Ms. Korleski  
325 said it would be to his benefit to be within the cloud.

326

327 Mr. Flaherty said the BZC can design the map however they want. Mr. Flaherty said  
328 buffers can be created and he said the residents should participate in the process. He said  
329 the plan is not the BZC's plan or the trustees' plan; they are putting together a plan on  
330 behalf of the residents and it is what makes economic sense from a regional planning,  
331 county planning and township planning perspective, as well as what makes sense for the  
332 residents of Berlin Township and what they envision the township being.

333

334 Mr. Grudowski said he does not want to be blocked in by development and would rather  
335 leave the area.

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336 Mr. Korleski said he did not know what all the debate is about; the township already has  
337 a cloud in place over Cheshire Road and it is working just fine. If the BZC wants to get  
338 the ball rolling, they need to get it rolling before somebody else does. He said as soon as  
339 a sewer line is installed along 36/37, it's all over for Berlin Township.

**RESOLUTION 2019.05.29 #A: INITIATE THE PROCESS FOR ARTICLE 15 BCO**

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342  
343 Mr. Flaherty made a motion to initiate the process for Berlin Township Zoning  
344 Resolution Article 15 BCO (Berlin Commercial Overlay) and to submit it to the  
345 Delaware County Regional Planning Commission.

346 Ms. Korleski seconded the motion.

347 Vote: Flaherty, yes; Korleski, yes; Valentine, yes; Kaplan, yes; Bardash, yes.

348 Motion carried.

349

**RESOLUTION 2019.05.29 #B: INITIATE THE PROCESS FOR ARTICLE 19 BIO**

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351  
352 Mr. Flaherty made a motion to initiate the process for Berlin Township Zoning  
353 Resolution Article 19 BIO (Berlin Industrial Overlay) and submit it to the Delaware  
354 County Regional Planning Commission.

355 Mr. Bardash seconded the motion.

356 Vote: Flaherty, yes; Bardash, yes; Kaplan, yes; Valentine, yes; Korleski, yes.

357 Motion carried.

358

359 Ms. Korleski noted that the meeting for June 11, 2019 has been canceled, so the next  
360 meeting will be on June 25, 2019 at 7:00 p.m. for Westport Homes.

361

**AGENDA ITEM: DISCUSSION WITH JOHN WICKS RE: VILLAS AT OLD HARBOR**

362

363  
364 John Wicks said he was here to address recent discussions by the BZC at their last  
365 meeting that were had about a property he is developing, and to provide updates.

366

367 Mr. Wicks said the project was approved as a single TPUD by the BZC on 11/27/18, and  
368 approved by the trustees on 3/11/19. Since that time, there seems to have been some  
369 confusion regarding the intent of how the Villas were going to be developed, and he  
370 wanted to clear the air.

371

372 Mr. Wicks said there were plan changes that were recommended by the BZC when they  
373 recommended approval, and the trustees also required additional plan changes. He  
374 suspected the changes by the trustees did not make their way back to the BZC. He said  
375 he would review the changes that had transpired since the BZC hearing.

376

377 Mr. Wicks displayed the original approved plan and said it was always Villas at Old  
378 Harbor East and West, even though it was zoned as one TPUD. The zoning text on page  
379 5 item a) 11) indicates that there will be two phases; east is one phase, and west is the  
380 other phase. It was always intended to be two separate builders with two separate  
381 products, in order to appeal to a wider audience of potential buyers.

382

383 Mr. Wicks said Romanelli & Hughes is in contract for the 50 units on the east side, and  
384 they are proceeding with their engineering; they are in contract and that project is moving  
385 forward.

386

387 Mr. Wicks said the intent has always been that each builder will be responsible to build  
388 their own side, and he believes that is where the consternation and confusion has come in.  
389 One of the builders was looking for confirmation that when they are building their side  
390 on the east side, they will not be responsible to build the roads, the clubhouse, and the  
391 infrastructure on the west side. This is no different than any other development; no  
392 developer is required to build anything on somebody else's property. Because it was

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393 zoned as one TPUD, they were just looking for that confirmation from the township in  
394 their request, and they still are.

395

396 Mr. Wicks said he is not asking for any changes to be made, or for any improvements  
397 agreed upon to be eliminated, but the obligation to build those improvements will rest on  
398 the builder of each phase. Each builder will come in with a final development plan of  
399 their own. Romanelli & Hughes will come in with a final development plan for the east  
400 side, and any changes that will be made will be addressed at that time. The BZC will  
401 have the opportunity to review it, and approve or deny it, just like any other development.

402

403 Mr. Wicks said he would review the changes that were made to the plan during the  
404 trustee hearing. He said this was informational purposes only; he is not requesting  
405 approval or a plan change. He said the east side has not changed at all. The west side  
406 was changed, with the biggest change being that the trustees required him to remove the  
407 boat and RV storage; they said it was too busy on the west side. They want him to either  
408 eliminate units or the storage area to provide more room, so that was removed.

409 Mr. Wicks said one of the BZC requirements was to eliminate the dead-end streets, and  
410 that has been done during the rearrangement. Removing the storage area opened it up  
411 and provided a lot more room. The units were pulled back into the site and a larger  
412 perimeter around the site was provided.

413

414 Mr. Wicks said regarding the safety issues on South Old State Road, the driveway access  
415 on South Old State Road was removed. The primary access will be on Hollenback Road.  
416 The access was already there but it was not the primary access. There will be an  
417 emergency access from South Old State Road, which was required by the fire  
418 department.

419

420 Mr. Wicks said he had committed to, due to the danger of Hollenback and South Old  
421 State Roads, that he would look into putting a flashing beacon sign at the stop sign and he  
422 is still committed to doing that even though there is no longer access from the west side.

423

424 Mr. Wicks said because there is more space now, he has added a pond on the northeast  
425 corner of the west side for additional storm water control. He said a comment was made  
426 at the trustee meeting that by eliminating the boat and RV storage area, they would be  
427 able to space the condos out more. The revised plan shows that the minimum is 12'  
428 between overhangs and 15' between foundations, but in many places there is more than  
429 that. Custom builder 3 Pillar Homes will be working on the same parallel path as  
430 Romanelli & Hughes on the west side of the development.

431

432 Ms. Korleski asked what was put into place where the storage area was. Mr. Wicks said  
433 the layout was simply rearranged. Ms. Korleski asked whether that was the only change  
434 the trustees asked of him. Mr. Wicks said there is a list of items that they required. Ms.  
435 Korleski said the BZC does not receive the changes from trustee meetings. Mr. Flaherty  
436 said they would have to read the minutes.

437

438 Mr. Wicks said he committed to providing more detailed language regarding the  
439 proposed uses and restrictions during the final development plan.

440

441 Mr. Flaherty asked whether there would be just one homeowners association (HOA). Mr.  
442 Wicks said there would be one master association, although each side may have their  
443 own individual condominium owners association. Mr. Flaherty asked whether residents  
444 of the east side would have access to the clubhouse on the west side. Mr. Wicks said that  
445 is the way the property was zoned and if the builders want to change that, they will be  
446 responsible for that request. He explained that he had simply asked of the trustees for  
447 something on the record that states that Builder A does not have to build anything on  
448 Builder B's property, and vice versa.

449



**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**WEDNESDAY, MAY 29, 2019 7:00 PM**

450 Mr. Valentine said his biggest concern was who would be responsible for the road  
451 improvements. The BZC heard at their last meeting that the east side did not want  
452 anything to do with that, and the west side was not committed to that, so it may not be  
453 built. Mr. Wicks said the county requires that the road improvements be done, so the  
454 builders don't have any choice in the matter. The result of the traffic impact study, which  
455 has now been accepted by the county engineer, indicated that there was supposed to be a  
456 right-turn lane into the condos on the east side, and there would be turn lanes on  
457 Hollenback Road into the west side. The county has asked him to consider, instead of  
458 those improvements, contributing to a roundabout. That would be better for the overall  
459 community and it will have a better impact on the township overall.

460  
461 Ms. Kaplan asked if it was correct that the builder on the west side is completely  
462 committed to building the clubhouse and all those amenities that will be used by the  
463 residents of the entire development including on the west and east side. Mr. Wicks said  
464 there will be a cost of participation and he was not sure whether that would be based  
465 upon property value, but because the residents on the east side will have access to the  
466 clubhouse and other amenities on the west side, they will pay a monthly contribution.  
467 The amenities, including the buildings, will all be built by condo Builder B on the west  
468 side.

469  
470 Mr. Wicks said if the economy changes and Romanelli & Hughes is halfway through  
471 their development, they will not stop building. But if they have not started yet, they do  
472 not want to be responsible for building the clubhouse and pool.

473  
474 Ms. Korleski thanked Mr. Wicks for coming in to explain the situation because it got  
475 blown out of proportion. Mr. Wicks said the project is moving forward and engineering  
476 is under way. He has met with neighbors and is working on the screening as well.

477  
478 Mr. Bardash asked whether the trustees asked that the South Old State Road access be  
479 removed. Mr. Wicks said that was not a requirement of theirs, but the safety issue came  
480 up here several times by residents and then at the trustee level, and he decided to remove  
481 that access from the plan. Mr. Bardash said that also removed easier access from the east  
482 side to the west side via golf cart or other methods. Mr. Wicks said it seemed many  
483 people did not want golf carts to cross that road, and they are really not allowed to  
484 because they are intended to stay on private roads only.

485  
486 Ms. Rippel asked whether both of the communities would be gated. Mr. Wicks said they  
487 would be and in order to change that, they would need to receive approval by the BZC.

488  
489 Ms. Korleski asked whether there would be emergency access for the east side. Mr.  
490 Wicks said it would be on the east side. Mr. Flaherty noted that Anchor Drive stubs into  
491 that.

492 **AGENDA ITEM: APPROVAL OF MINUTES (CONTINUED)**

493 Ms. Knapp said that she just became aware that one change needs to be made to the  
494 minutes that were just approved. On page 1, the name "Brian" should be changed to  
495 "Drew."

496  
497 Mr. Flaherty made a motion to modify the 5/14/19 BZC minutes to change Brian to  
498 Drew. Mr. Bardash seconded the motion.

499 Vote: Flaherty, yes; Bardash, yes; Valentine, yes; Kaplan, yes; Korleski, yes.  
500 Motion carried.

501  
502 There was no further business to come before the Commission. Motion to adjourn.  
503 Meeting adjourned.

504

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO*

**REGULAR MEETING**

**WEDNESDAY, MAY 29, 2019 7:00 PM**

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Toni Korleski, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, member

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Mike Bardash, member

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Martin Johnson, member

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Steve Flaherty, 1<sup>st</sup> alternate member

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Ray Armstrong, 2<sup>nd</sup> alternate member

Attest: \_\_\_\_\_  
Lisa F. Knapp, Berlin Township Zoning Clerk