

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR & ORGANIZATIONAL MEETING
TUESDAY, DECEMBER 10, 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**

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

6
7 Zoning Inspector David Loveless led meeting attendees in the pledge of allegiance.

8
9 BZC members present: Toni Korleski, Jerry Valentine, Darcy Kaplan, Martin Johnson,
10 Mike Bardash.

11 Also present: Steve Flaherty, 1st BZC alternate member; Zoning Inspector David
12 Loveless; Zoning Clerk Lisa Knapp; Zoning Secretary Cathy Rippel.

13 Not present: Ray Armstrong, 2nd BZC alternate member.
14

15 Ms. Korleski dispensed with the reading of the adopted BZC policy statement as printed
16 in the agenda.

17 **AGENDA ITEM: APPROVAL OF MINUTES**

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19 Ms. Korleski made a motion to approve the minutes from the 9/24/19, 10/17/19,
20 10/22/19, & 10/29/19 BZC meetings, as presented and amended.

21
22 Mr. Bardash seconded the motion.

23 Vote: Korleski, yes; Bardash, yes; Johnson, yes; Kaplan, yes; Valentine, yes.
24 Motion carried.
25

26 Ms. Rippel asked that the new zoning resolution changes that were made in response to a
27 developer picking up on a loophole regarding density calculations be explained.
28

29 Mr. Johnson said the densities were listed at 1.85 units/net developable acre or 20,000
30 SF. However, if the rough calculation was done, the 20,000 SF actually allowed for more
31 lots. Since there were two definitions, it was the least restrictive. Longhill calculated
32 their densities at the latter and it allowed them to get much higher densities than the other
33 definition. The loophole was closed in the revision. There was a brief discussion.
34

35 **AGENDA ITEM: ELECTION OF BZC CHAIRPERSON, 2020**

36
37 Mr. Valentine nominated Ms. Korleski for BZC Chairperson for 2020. Mr. Bardash
38 seconded the motion.
39

40 There were no further nominations.
41

42 Vote: Valentine, yes; Bardash, yes; Johnson, yes; Kaplan, yes; Korleski, yes.
43 Motion carried.
44

45 **AGENDA ITEM: ELECTION OF BZC VICE-CHAIRPERSON, 2020**

46
47 Ms. Kaplan nominated Mr. Valentine for BZC Vice-Chairperson for 2020. Mr. Bardash
48 seconded the motion.
49

50 There were no further nominations.
51

52 Vote: Kaplan, yes; Bardash, yes; Korleski, yes; Johnson, yes; Valentine, yes.
53 Motion carried.
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AGENDA ITEM: SET BZC REGULAR MEETING DATES FOR 2020

A brief discussion was held regarding the regular dates for BZC meetings in 2020.

Ms. Korleski made a motion to approve the following regular meeting dates for 2020, all on Tuesdays at 7:00 PM, unless otherwise noted:

- January 14
- January 28
- February 11
- February 25
- March 10
- March 24
- April 14
- April 28
- May 12
- May 27 (Weds)
- June 9
- June 23
- July 14
- July 28
- August 11
- August 25
- September 8
- September 22
- October 13
- October 27
- November 10
- November 24
- December 8

Mr. Valentine seconded the motion.

Korleski, yes; Valentine, yes; Kaplan, yes; Johnson, yes; Bardash, yes.

Motion carried.

AGENDA ITEM: BZC 17-008 TIMBERLAKE/LIBERTY LLC EXTENSION REQUEST

Attorney Mike Shade presented the request. Mr. Shade said he is an attorney representing a number of entities located on Berlin Station Road in Berlin, Liberty and Orange Townships. He said he also represents a large property owner known as B&N 2005 LLC. Mr. Shade said he is requesting a 3-year extension, not because he wants to, but because his clients are being forced to. The properties requesting the extension are 124 and 130 Hyatts Road. The name was the All Life Center North, but when it reopens, it will be known as Marybrook Center.

Mr. Shade said that unfortunately, the county engineer ran into some extreme difficulties on some projects on Home Road, mostly of an historical nature. That resulted in delays on that project. Sewer was to have been provided to the east side of Route 23 almost one year and four months ago. Just recently he had a meeting at 275 Hyatts Road with deputy Delaware County engineer Rob Riley, Delaware County Director sanitary engineer Tiffany Maag, and the Delaware County administrator. That has resulted in some realignments and new easements while working through the details of those because of some demands for services. He noted that he has not received all the drawings yet.

Mr. Shade said Del-Co Water will be constructing a major 16" water main in the middle of Hyatts Road because there is nowhere else where it can go. That has resulted in

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113 obtaining new easements. All easements from their perspective have been executed and
114 he believes all of their easements have been done as well. He is now working on the
115 sanitary engineer's side of it. At the request of the county sanitary engineer and the
116 commissioners, his client donated land at the front of 124 Hyatts Road for the
117 construction of a pump station.

118
119 Mr. Shade said architect John Oney did the design work at the All Life Center. Some
120 realignments have been done, and hopefully by late spring, the main lateral trunks will be
121 routed under Route 23 just north of the Speedway station, which will then provide service
122 for the Metro Development project south of Peachblow Road that extends to Shanahan
123 Road and that the BZC will be hearing in a couple of months. That will be an integral
124 part of handling that development. The sanitary engineer has also committed to providing
125 sanitary sewer service to an Olentangy school that is supposed to open in fall 2021.

126 Mr. Shade said that project will move forward but his clients are working through a
127 couple of changes that have been requested, including seven easements from one owner
128 and various entities, and five other easements plus two assignments from another owner.
129 He said Mr. Oney's client Mr. Coughlin is also being asked to re-do an easement due to
130 the size of the lines that will be installed for both temporary and permanent sewer lines.

131
132 Mr. Shade said 123 Hyatts Road is on the south side and there is a large ravine there.
133 The county engineer plans to incorporate that into the roadway project, and that involves
134 two phases. The first part will be that ravine and the Hoover property, which is at the
135 southwestern-most point of Berlin Township. Redoing the road will afford more
136 drainage to the system.

137
138 Mr. Shade said construction will begin within two months on the water lines. They
139 expect to go to bid on the sewer line in January, and construction will start in March.
140 This work should finish up in late March or early April. He said he has been working on
141 the sewer to service Orange, Berlin and Liberty Townships for over nine years. He said
142 his client has borne all of the financial responsibility to date including obtaining all
143 easements, with the provision that they will be turned over to the county. The first two
144 will be turned over in about two weeks. Mr. Shade said this is a cooperative issue
145 because it is important for the townships, for Olentangy Schools, and for the growth and
146 better development of the entire area. He said the first phase of the road project will start
147 in June or July 2020, and it will take around 8 months to complete.

148
149 Mr. Shade said this situation is holding up not just his client's projects but others as well
150 including The Greenery project on the east side of Route 23. It will also hold up Metro
151 Development and it could impact the schools. He said the county is doing the best they
152 can and they ran into unanticipated problems. The earliest this will be done will be in
153 early 2021, so he is requesting a three year extension. He is not even prepared to make
154 application yet because he doesn't know when the situation will be entirely resolved. He
155 thanked the three townships and the county commissioners for their understanding during
156 these issues.

157
158 Mr. Shade said that everybody but one party has signed all easements. Unfortunately,
159 that did delay the situation as it forced him to go around that property.

160
161 Ms. Korleski asked what application Mr. Shade is talking about. Mr. Shade said the
162 current application is for the construction of what will be known as Marybrook Center.
163 Ms. Korleski said that has already been looked at. Mr. Shade said he is here for that
164 property, and Mr. Oney is here for the AAT Properties parcel and he has worked in
165 conjunction with them because they are in the same boat as he is.

166
167 Mr. Bardash asked whether the BZC would like to receive an annual update given that
168 the requested extension is three years. Ms. Korleski said she didn't need an update
169 because everybody will know when the sewer is in.

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171 Mr. Johnson asked whether the applicant is requesting an extension of three years in total
172 or three more years. Mr. Shade said it would be three years from the time that the current
173 extension ends. Mr. Johnson said that would be four years from now. He said the final
174 plan approval would be extended to fall 2022.

175

176 Ms. Korleski said the BZC has never granted a three year extension that she is aware of.
177 She asked if Mr. Shade would accept two years instead. Mr. Shade said he did not want
178 to have to come back again and ask for another extension. Mr. Shade said work should
179 begin this spring, and the following spring, a 50' tall wall will need to be constructed in
180 the valley. The channels also need to be routed for all the storm water to run through it.
181 He was concerned that two years would not be enough.

182

RESOLUTION 2019.12.10 #A: APPROVE 3 YEAR EXTENSION OF BZC 17-008

184

185 Ms. Korleski made a motion to approve a 3-year extension of BZC 17-008. Mr.
186 Valentine seconded the motion.

187 Vote: Korleski, yes; Valentine, yes; Bardash, yes; Johnson, yes; Kaplan, yes.

188

AGENDA ITEM: BZC 18-002 AAT PROPERTIES LTD. EXTENSION REQUEST

189

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191 John Oney, architect for this project, said he is experiencing the same issues as Mr. Shade
192 just described. He is also the architect for that project as well as the strip mall project
193 that is contiguous to that project to the east.

194

195 Ms. Korleski asked if the abandonment of the road that was discussed at a prior meeting
196 was accomplished. Mr. Oney said all of that has been taken care of. Ms. Korleski asked
197 whether it was correct that after the roads and sewers have been completed, he would be
198 able to proceed. Mr. Oney said that was correct and that he has resolved all of the access
199 issues.

200

201 Ms. Korleski asked what he was requesting of the BZC. Mr. Oney said he was
202 requesting a three year extension for the same reasons as Mr. Shade just requested. He
203 noted that major investments have been made on the property but unfortunately, the
204 timing of the road and sewer improvements has affected the development.

205

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207

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RESOLUTION 2019.12.10 #B: APPROVE 3 YEAR EXTENSION OF BZC 18-002

209

210
211 Ms. Korleski made a motion to approve a 3 year extension for BZC 18-002. Mr. Bardash
212 seconded the motion.

213 Vote: Korleski, yes; Bardash, yes; Kaplan, yes; Valentine, yes. Johnson, yes.

214

AGENDA ITEM: OTHER BUSINESS

215

216
217 Ms. Rippel said that Mr. Flaherty is to be congratulated for the Delaware County General
218 Health District's Keep Delaware County Beautiful program awarding his company,
219 necoPlastics, with the Recycling Award for 2019.

220

221 Mr. Flaherty received a round of applause from the BZC and meeting attendees.

222

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

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Toni Korleski, Chairperson

Jerry Valentine, Vice-Chairperson

Darcy Kaplan, member

Mike Bardash, member

Martin Johnson, member

Steve Flaherty, 1st alternate member

Ray Armstrong, 2nd alternate member

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