

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

SPECIAL MEETING

TUESDAY, APRIL 28, 2020 7:00 PM

1 This meeting was held virtually.

2

3

CALL TO ORDER

4

5 The meeting was called to order by Steve Flaherty at 7:00 PM.

6

7 Steve Flaherty led meeting attendees in the pledge of allegiance.

8

9 BZC members present: Chairperson Steve Flaherty, Vice-Chairman Jerry Valentine,
10 Darcy Kaplan, Martin Johnson, Mike Bardash.

11

12 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning
Secretary Cathy Rippel, BZC alternate member Christina Littleton.

13

AGENDA ITEM: LEGAL NOTICE

14 Ms. Rippel said this hearing was advertised in the 4/23/20 Delaware Gazette.

15

AGENDA ITEM: BZC 16-004 METRO DEVELOPMENT

16

MAEVE MEADOWS /SOUTHWOODS

17 Joe Thomas, with Metro Development, asked for a one-year extension of the final
18 development plan for Southwoods. He is in negotiations with Schottensteins Homes, but
19 the pandemic has stalled that until further notice. They need to secure financing with
20 their bank and do the final engineering, as well as file a final development plan with
21 Berlin Township.

22

23 Mr. Bardash asked whether major changes were determined. Mr. Thomas said he didn't
24 think so but he wouldn't be sure until the pandemic situation was resolved.

25

26 Mr. Johnson asked when the original deadline. Mr. Thomas said it was January and he
27 missed that extension; he was requesting an extension to January 2021.

28

RESOLUTION 2020.04.28 #A: APPROVE BZC 16-004

29

30 Mr. Flaherty made a motion for a one-year extension for BZC 16-004 Maeve
31 Meadows/Southwoods. Mr. Bardash seconded the motion.

32

33 Vote: Flaherty, yes; Bardash, yes; Kaplan, yes; Valentine, yes; Johnson, yes.

34

35 Motion carried.
36 Mr. Flaherty said the public can watch the meeting live on Facebook and the BZC will be
37 taking questions over Zoom.

38

AGENDA ITEM: BZC 18-001: 3 PILLAR HOMES VILLAS AT OLD HARBOR WEST

39 *BZC 18-001, 3 Pillar Homes, approval of a final development plan for a TPUD with 90*
40 *condominium patio homes to be known as Villas at Old Harbor West.*

41

42 John Wicks, president of Real Property Design and Development, agent for 3 Pillar
43 Homes for the West Villas at Old Harbor, presented the application. Also present is
44 Adam Rainwater, designer with 3-Pillar Homes, Kevin Fallona, landscape architect, with
45 Cimenello's, Jeff Guggenbiller with Advanced Civil Design, and Zenios M. Zenios with
46 3 Pillar Homes.

47

48 Mr. Wicks said the project originally consisted of the east and west villas. The zoning
49 was approved by the BZC on 11/27/18 as a TPUD, the zoning was approved by the
50 trustees on 3/11/19 with certain conditions and changes. Because those conditions and

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51 changes affected what was actually approved, he came back to the BZC on 5/29/19 to
52 review those changes. He displayed that plan and said the boat & RV storage had been
53 removed, and that allowed features to be spread out and perimeter setbacks to be
54 increased.

55
56 Mr. Wicks said at that time, the full access on S. Old State Road was converted to an
57 emergency access only due to safety concerns by the trustees. He has reconfigured the
58 internal roadway design to eliminate dead-ends per the BZC conditions. The perimeter
59 setbacks were increased from 30' to 50' along the west and north side and to 35' along
60 the east side. Mr. Wicks said a third retention pond was added on the northeast corner of
61 the site to assist with civil engineering.

62
63 Mr. Wicks said the final development plan is only being presented for the West Villas
64 tonight. The East Villas was approved 2 weeks ago.

65
66 Mr. Wicks reviewed the development plan sheet #5, the phasing plan, the view of the
67 overall project. There are 3 phases, which he reviewed. Phase 1 is on the east and south
68 side with the main access off of Hollenback Road and the amenities such as the pool, the
69 community area, the clubhouse, etc.

70
71 Mr. Wicks said there will be 41% open space in the plan. There is a large setback of 130'
72 off of South Old State Road. The parking was adjusted, and the final development plan
73 has more details regarding the houses, amenities and architectural styles.

74
75 Mr. Fallona said there is a variety of four different types of street trees being used
76 throughout the development for diversity. The existing tree line on the west and north
77 have been "closed-in", and there will be screening on the northwest corner to fill in gaps
78 for the residents in that area.

79 Mr. Fallona said the fishing pond in the middle will be a central focus point of the
80 community coming off the community center and there will be a mixed variety of trees in
81 that area and for the walking path. The majority of the screening will be on the south,
82 screening the neighborhood from Hollenback Road. There will be mounding along the
83 frontage with a mix of trees. There will be a 3-panel white horse fence that will be
84 located at the base of the mound along Hollenback Road and it is similar to fences in
85 nearby neighborhoods.

86
87 Mr. Fallona said the fence will run on either side and will return up on the west side and
88 some on the east side, and then return to the main entrance feature. The public walkway
89 will access through that gate on the east side, and there will be simple plantings to accent
90 the main entrance feature as shown on sheet D-1.

91
92 Mr. Fallona reviewed the main focus at the entrance and there will be ample parking out
93 front. The community center will be rotated so there is more space behind it so a covered
94 porch can be provided. Off of that is a very large patio that will provide a covered
95 pergola, a fire pit area, a grilling area and a seating area, as well as ease of access to the
96 full-sized pool that is fully fenced right off the center line of the community center, the
97 walking path and the fishing pond.

98
99 Mr. Fallona said on the outside there will be bocce and pickle ball courts that are easily
100 accessible from the patio and pool spaces as well as an access gate that provides access to
101 the main patio area and the walkway.

102
103 Mr. Fallona said sheet D-1 shows the details of the main entrance signage. There will be
104 a Villas at Old Harbor sign on each side of the main entrance and there will be simple
105 plantings.

106

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107 Mr. Rainwater reviewed the community center and clubhouse and he showed some
108 renderings. The clubhouse was rotated by 90 degrees and it was widened in order to
109 provide a better presence. He showed the back and said it has a barn look. There is a
110 very large outdoor patio that provides shade. The plan is very wide open and is a place
111 where residents can gather and use as an exercise room, yoga classes, home sales, etc. It
112 is meant to compliment the outdoor amenities in the neighborhood.

113

114 Mr. Rainwater showed all sides of the plan and several other examples to get the feel of
115 the look and designs he is going for. This is a very walkable community, but he wants
116 people to have outdoor living but privacy as well. He showed a variation in colors and
117 design including different styles of dormers and trim work.

118

119 Mr. Rainwater showed a courtyard example, which could have either style of garage
120 loading. The lots will be fairly large. He showed a front-load garage plan for the wider
121 lots, and noted that having many plan options provides many different designs for
122 elevations and keeps the neighborhood diverse. He also showed a narrower lot and a
123 courtyard lot.

124

125

Commission Consideration

126

127 Ms. Kaplan asked how many square feet the clubhouse was. Mr. Rainwater said as
128 currently drawn, it's 3,666 SF. Ms. Kaplan asked whether the HOA would manage the
129 amenities. Mr. Wicks said they will all be managed by the condominium association.
130 Ms. Kaplan asked how large the homes would be. Mr. Rainwater said they are around
131 1,500-1800 SF and a loft could be included. Ms. Kaplan asked whether they would all be
132 smaller than 2,000 SF.

133

134 Mr. Rainwater said that currently the largest plan is close to 1900 SF and it could be
135 larger. He said that does not count basement space. Ms. Kaplan asked whether they
136 would all have basements. Mr. Wicks said they would be offered as an option, but the
137 standard floor plan will be slab on grade.

138

139 Ms. Kaplan said there would be a variety of colors for the exteriors was mentioned and
140 she asked whether those would be natural colors or brighter. Mr. Rainwater said he did
141 not have that information but he prefers natural and complementing colors. Ms. Kaplan
142 asked whether it was correct that the colors were not restricted to natural colors alone.
143 Mr. Rainwater said, "not that I know of."

144

145 Ms. Kaplan said that originally there were exterior pathways, and those appear to be
146 gone. Mr. Wicks asked whether she meant off-site. Ms. Kaplan said she meant around
147 the outside of the development itself. Mr. Wicks said those were removed for safety
148 reasons between the contiguity between the east and west sides was eliminated. He said
149 there is a path in this development stubbing out at Hollenback and it will ultimately
150 connect across the street at Evans Farm.

151

152 Ms. Kaplan said at one point this community was gated but that seems to be no longer the
153 case. Mr. Wicks said it was concluded that the gates look nice but don't function well, so
154 they have decided they want to put some of the funds to other amenities that would be
155 more useful.

156

157 Ms. Kaplan asked what the price points would be. Mr. Wicks said they would be in the
158 high \$300,000 to the low \$500,000's. Mr. Zenios said they would be high \$400,000's to
159 mid \$500,000's.

160

161 Mr. Valentine said the text indicated 2-3 bedroom, but he thought there was a limit of 2
162 bedrooms. Mr. Zenios said it would be 2 bedroom plus a study. Mr. Flaherty said he
163 believed he was referring to "no upstairs bedrooms." Mr. Zenios said they were designed

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164 towards empty nesters. He said most of the units would have 2 bedrooms, although some
165 will have a 3rd flex/study room.

166

167 Mr. Valentine said the flashing stop sign was to be funded by the developer and he asked
168 if that was now gone. Mr. Wicks said he still plans to work with the Delaware County
169 Engineers Office to have that installed this summer. Mr. Valentine asked whether it
170 should be placed in the plan.

171

172 Mr. Valentine asked what percentage of homes would be sold before the condominium
173 development took over. Mr. Wicks said it was at 75%. Mr. Valentine asked whether it
174 could be higher. Mr. Wicks said it could although the trustees favored the 75%. He was
175 also not sure how that would work for condominiums versus single-family homes.

176

177 Mr. Johnson asked what the size of the pool would be. Mr. Rainwater wasn't sure. Mr.
178 Fallona responded that it would be 20' by 40'. Mr. Johnson said there was some concern
179 about the western property line with the tree stands there and the supplemental planting to
180 the north. He asked whether there would be mounding in that area. Mr. Wicks said that
181 due the drainage, the mounding would be minimal. Also, the trees that exist in that area
182 need to be removed if a mound was built. The intent was to supplement the existing trees
183 and do additional plantings.

184

185 Mr. Johnson asked whether the northern part of the open space on the western property
186 line would be mounded. Mr. Wicks said it would just be planting, as storm drains will be
187 put in that area to pick up the offsite drainage.

188

189 Mr. Johnson asked about the fish pond in the center, and asked whether it would be
190 stocked. Mr. Wicks said it would be. Mr. Johnson asked whether the HOA would
191 assume ownership and stocking. Mr. Wicks said that was correct.

192

193 Mr. Johnson asked how many different plan layouts would there be with the courtyards.
194 Mr. Zenios said he currently shows 2 in the packet and he is working on a few more. Mr.
195 Johnson asked whether the lots have been identified for the side load garages. Mr.
196 Zenios said it would be client driven more than dictating that in advance. The corner lots
197 offer the best option for that.

198

199 Mr. Johnson asked that he update some of the language indicating that one in every 3 or 4
200 will have side load garages so there doesn't end up having one corner with all the side
201 load garages.

202

203 Mr. Johnson asked where the mailbox kiosk would be located. Mr. Fallona said there
204 was at least one on either side of the community center. Mr. Johnson said it appeared
205 that there was a box shape on the western side of the road. Mr. Fallona said that was for
206 the utility easement. Mr. Johnson said on the western side of the entrance there are
207 plantings surrounding something. Mr. Fallona said that is the utility box that the
208 easement is for, and they will be screening it from the home side. There are a few
209 additional plants on the west side to screen that box.

210

211 Mr. Johnson said the letters for gas/water/sewer etc. companies are old and he asked for
212 updated letters. He asked whether it was confirmed that the capacity is there now to put
213 this in. He is aware that the lift station at Shanahan and Route 23 has been delayed. Mr.
214 Wicks said this sewer is not a tributary to that area; this goes down to the Peachblow
215 pump station on South Old State Road. The utilities are actively reviewing and approving
216 each of these plans and capacity has been verified for all of them.

217

218 Mr. Johnson said regarding the traffic study, there was one big change that the traffic
219 study had been done around the design where the subject property had an entrance onto

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220 South Old State Road, which has now been removed. He asked whether that would
221 change, now that everybody would be coming through a single entrance and egress.

222
223 Mr. Wicks said that the traffic study had been reworked with the county engineer after
224 the single entrance was determined. He can provide a copy of the new traffic study if that
225 is the issue. Mr. Johnson said the traffic study was dated 3/25/19. Mr. Wicks said it was
226 the traffic study for both the east and west sides. The traffic study does not reference an
227 access from South Old State Road from the west villas. Figure 2 within the study he
228 submitted just shows the one main entrance. It could be referencing the east access for
229 the east Villas, which will be into the Old Harbor Estates subdivision. He said he would
230 look into that further. He said that figure #5 on page 11 of the traffic study shows the
231 diagram where traffic is intended to enter and exit the project, and there is nothing
232 coming into the west side from South Old State Road.

233
234 Mr. Johnson said the copy he has, has only 3 pages aside from the cover page. Mr.
235 Flaherty said it has pages 1, 18 and 19. Mr. Wicks apologized for that and said the digital
236 copy he sent in has all of the sheets, and he can provide hard copies if desired. There will
237 be access onto South Old State Road from the west side.

238
239 Mr. Johnson said it also discussed a left turn lane onto Old State Road as well as onto
240 Hollenback Road. The developer is requesting to pay an amount in lieu of constructing
241 the turn lanes. He asked whether that meant that the developer was requesting to pay a
242 fee to avoid having to build the turn lanes.

243
244 Mr. Wicks said the county engineer's office has created a transportation improvement
245 district (TID) which allows contributions from private developments into a fund that the
246 county can then undertake new overall infrastructure projects within the county.
247 Although there may be a benefit to a left turn lane onto Hollenback Road to residents, the
248 funds that would be required to build that would be better used elsewhere. He did a cost
249 estimate and the county engineer approved that and agreed to take a fee in lieu of
250 building the turn lane. The county engineer would use those funds for a project
251 elsewhere in the county that would affect more people.

252
253 Mr. Johnson said he was concerned because now all traffic is being consolidated into a
254 single entrance and everybody will have to exit off of Hollenback Road, without having a
255 full traffic study done. The county engineer had stated a turn lane was necessary when
256 there was an entrance off of Old State Road, which has now been removed, he would
257 think the need for that turn lane would be greater. He said it appears the county
258 engineer's office is playing a "pay me to not worry about traffic impacts" game, but he is
259 worried about the increased traffic on Hollenback Road.

260
261 Mr. Johnson said the 20' by 40' pool size seems small for this development. With 90
262 homes, there would be 30-50 people at any time. His neighbor has a pool that's the same
263 size and it only fit about 15 people at a time.

264
265 Mr. Bardash said there is a final development plan, and on page 4 s) says "architectural
266 design guidelines includes with the FTP application." He asked whether those guidelines
267 are the renderings provided of the houses, or whether there is something in writing with
268 all of the requirements.

269
270 Mr. Wicks said item 10 in the packet is the architectural designs guidelines, and all of the
271 sheets with the various buildings followed that. Mr. Flaherty said it was the sixth tab.
272 Mr. Bardash said there is nothing on that page that addresses the color schemes or the
273 garage doors will match the front of the homes. Nothing indicates what the side and rear
274 of the homes will be sided with. Mr. Rainwater said they would be the same as the side
275 and the front and he would note that in the plan. Mr. Johnson said page 3 in the first tab,
276 item L) discusses materials including stucco, wood, stone, etc.

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277 Mr. Bardash asked what the fence material would be. Mr. Flaherty said it is shown as
278 painted poplar. Mr. Bardash said that regarding side load garages, the BZC has requested
279 that at any one time as they are being built there will be no fewer than 25% side load
280 garages being built so they are evenly distributed. Mr. Wicks agreed to do that.

281
282 Mr. Bardash said on item 2 of 5 on the site utility plans, the bottom left corner indicates
283 gated access. Mr. Wicks said the site utility plans were done quite a bit earlier than the
284 detail for the entrance, and he agreed to remove that reference.

285
286 Mr. Bardash asked whether there would be a closet in the flex/bonus room. Mr.
287 Rainwater said they do. Mr. Bardash said that would be a 3rd bedroom, but there are to
288 be no more than two bedrooms. Mr. Rainwater said the text states “for ranch style first-
289 floor master suites, a maximum of three total bedrooms unless approved by the BZA.
290 Mr. Bardash said earlier he responded that there would be two bedrooms with a flex
291 room/study, but there are actually three bedrooms. Mr. Rainwater said that was correct.

292
293 Mr. Wicks said the clientele will predominantly look for the study, and the option is there
294 that these could be used as a third bedroom and that’s why the closet is there. That is in
295 full conformance with the zoning. Mr. Bardash said he agreed with Mr. Valentine with
296 the 90% before the condominium association be turned over. Mr. Wicks said the trustees
297 asked that it be 75%.

298
299 Mr. Flaherty asked what the rationale was behind that. Mr. Wicks said he was not certain
300 as he was not there. Mr. Loveless said the email stated 75% or greater, so it can be
301 increased. Mr. Wicks said that is what he would do.

302
303 Ms. Littleton said he thought the trustees wanted 75% because they wanted the
304 condominium association to be controlled in case all of the condos are not sold. Mr.
305 Wicks said he would include 90%. Mr. Flaherty said the trustees will have final call so
306 they can adjust in there, and it matches the east side. He also wanted to make sure the
307 garages doors are dispersed throughout.

308
309 Mr. Johnson said the east side agreed to include language that at least one of every so
310 many garages be side load. Mr. Flaherty said Mr. Wicks has agreed to include that
311 condition.

312
313 Mr. Flaherty said regarding the stop sign, the roundabout is scheduled to take place at
314 Cheshire and South Old State Roads, where there are already blinking lights. There is no
315 reason to not move those lights down to South Old State & Hollenback Roads, with Mr.
316 Wicks paying for the cost to transfer.

317
318 Mr. Flaherty said regarding the painted poplar fence, composite would last longer from a
319 maintenance standpoint, although he realizes that it would be more expensive. Mr.
320 Wicks said it was planned to be wood to match the existing fence further to the west on
321 Hollenback Road. Mr. Flaherty said that as long as it’s not gloss or vinyl, there are
322 comparable wood products out there now that do not sag and that have the characteristics
323 of natural wood without having the maintenance side of it. Mr. Wicks agreed to no gloss.

324
325 Mr. Flaherty asked how many users there would be for the pickle ball/bocce ball courts.
326 Mr. Wicks said currently one of each is planned, but there is room to expand.

327
328 Mr. Flaherty asked whether Evans Farm has an entrance that will line up with the
329 entrance into this neighborhood. Mr. Wicks he said it does not line up and is further to
330 the west, but there is no final plan for that site yet. Mr. Flaherty said the regarding the
331 TID, the county engineer will either align that or take the contributed funds and do a
332 right-hand turn for east bound and for west bound all at the same time.

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333 Mr. Flaherty asked whether the emergency access off of South Old State Road will have
334 a post and ballast for emergency access. Mr. Wicks said that was correct, and that the
335 fire department has reviewed it.

336
337 Ms. Littleton said page 2 of 5 on the utilities map shows the spots marked out right by the
338 parking spots on the south and she asked whether those will no longer be located there.
339 Mr. Wicks said that is correct and that the civil plans are superseded by the landscaping
340 plans that are more recent and detailed. Those adjustments will be made on the final
341 development plan.

342
343 Ms. Littleton said in the same area, she liked the stone detail on the mail kiosks and the
344 roof. However, on the east side is a more extended roof that would provide shelter for
345 residents getting their mail. She asked if that could be added. Mr. Zenios said he would
346 add that to the plan.

347
348 Ms. Littleton asked about the buffering in the southeast corner and the chunk that goes
349 out to South Old State Road. She said there are two existing homes and some buffering
350 and mounding for that corner lot. She asked whether more mounding and trees could be
351 added to buffer the homes. Mr. Wicks said there are a significant number of existing
352 trees in that area now, and those houses sit back far off the property line. New mounding
353 would not have the same impact as it would down in the corner where it is so much
354 closer.

355
356 Ms. Littleton asked whether trees could be planted. Mr. Wicks said there won't be much
357 of an impact to the existing homes because they cannot see through the mature trees. He
358 said if there are areas within the development where the buffer appears deficient, he is
359 committed to supplementing the buffers.

360
361 Ms. Littleton asked whether there are any planned uses for that same "chunk" by South
362 Old State Road, as there is a lot of open space. Mr. Wicks said there are no plans there
363 except for a prairie. Mr. Zenios said it would be open space.

364
365 Ms. Littleton asked whether there would be fountains in all ponds, including the fishing
366 pond. Mr. Wicks said that was correct. Mr. Bardash said fish still bite when fountains
367 are in operation.

368
369 Ms. Littleton said she likes the garage door colors and would like that to be added to the
370 text. Regarding the community center parking spots, she sees there is walkway from one
371 section and she asked whether there would be a walkway from all parking spots directly
372 to the community center. Mr. Wicks said that was an omission and that there would be a
373 sidewalk from the back of the curb over to the central walk area.

374
375 Mr. Johnson said that Mr. Wicks had mentioned that the open space with the pond near
376 South Old State Road marked as Reserve A would not be mowed, and he asked whether
377 it would remain prairie. He also asked about open spaces G & K. Mr. Wick said he
378 thought everything was planned to be mowed and maintain. Mr. Zenios said he does not
379 intend to allow anything to overgrow.

380
381 Mr. Wicks said it has been the intent for all of the open space to be usable by the
382 residents to the extent possible.

383
384 Mr. Flaherty asked whether civil drawings would be updated prior to this application
385 going to the trustees. Mr. Wicks said he is not going to the trustees as this is an
386 administrative approval.

387
388 Mr. Flaherty asked whether this was something the BZC wanted to approve tonight or
389 revisit at a future date. Mr. Bardash said he was not ready to vote. Mr. Wicks said he

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390 was amenable to the changes being requested tonight. He asked for an approval with
391 conditions and said he would provide a final copy back to the BZC with all the changes
392 documented. Mr. Johnson said he was fine with that.

RESOLUTION 2020.04.28 #B: APPROVE BZC 18-001

396 Mr. Flaherty made a motion to approve BZC 18-001 as submitted with the following
397 conditions to be added to the text:

- 398 • Add to the text language indicating that there will be no less than 25% of side
399 load garages with an even distribution throughout the community.
- 400 • The condominium association will be turned over to the residents when 90% of
401 the units have been sold.
- 402 • Remove the gate from the diagram 2.
- 403 • Obtain update utility letters that indicate they have capacity.
- 404 • Ensure the traffic study provided is the latest traffic study and is complete.
405 Provide paper copies of the missing pages.
- 406 • Include a notation in the text regarding the color palette to be used throughout the
407 project.
- 408 • Provide a roof over the mailboxes.
- 409 • Add composite fencing as an option for an approve fence. No gloss finish is
410 permitted.

411 Mr. Valentine seconded the motion.

412 Vote: Flaherty, yes; Valentine, yes; Kaplan, yes; Bardash, yes; Johnson, yes.

413 Motion carried.

414

415 Mr. Flaherty asked that the changes be made and submitted to the zoning office.

416

417 Mr. Loveless noted Hyatt Road will be closed at Route 23 to build a pump house.

418

419 Mr. Flaherty said the virtual meeting format will continue until otherwise decided. He
420 noted that the meeting will continue to be streamed in the future. He noted that the next
421 scheduled meeting is on May 12, 2020 for the extension request and rezone for Berlin
422 Farms. That will be a virtual public meeting as well.

423

424

425

Steve Flaherty, Chairperson

426

427

428

429

Jerry Valentine, Vice-Chairperson

430

431

432

433

Darcy Kaplan, member

434

435

436

437

Mike Bardash, member

438

439

440

441

Martin Johnson, member

442

443

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

444