

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, AUGUST 11, 2020 7:00 PM

1 This meeting was held virtually.

2

3

CALL TO ORDER

4

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

6

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

8

9 BZC members present: Chairperson Steve Flaherty, Darcy Kaplan, Mike Bardash. BZC
10 1st alternate member Christina Littleton, BZC 2nd alternate member Angela Brown.

11

12 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning
13 Secretary Cathy Rippel.

14 Not Present: BZC Vice-chairperson Jerry Valentine, member Martin Johnson.

15

16 Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments is
17 limited to three minutes each.

18

AGENDA ITEM: APPROVAL OF MINUTES

19 Ms. Kaplan made a motion to approve the minutes as submitted from the 7/14/20 BZC
20 meeting. Mr. Bardash seconded the motion.

21 Vote: Kaplan, yes; Bardash, yes; Littleton, yes; Brown, yes; Flaherty, yes.

22 Motion carried, minutes were approved.

23

AGENDA ITEM: APPROVAL OF MINUTES

24 Ms. Knapp said this hearing was advertised in the July 31, 2020 Delaware Gazette.

25

BZC 19-006 RO VALERIE TRUSTEE FINAL DEVELOPMENT PLAN

26 *BZC 19-006, filed by Rowe Valerie trustee, c/o Molly Gwinn, final development plan for*
27 *an approved for an approved R-3 Planned Residential District consisting of 24 homes on*
28 *16.371± acres at 2591 Cheshire Road, which is part of Piatt Preserve West.*

29

30 Molly Gwinn, attorney representing the applicant, thanked the BZC for accommodating
31 the applicant in this time of covid.

32

33 Ms. Gwinn said this is an extension of Piatt Preserve West, which was previously before
34 the BZC for zoning. The property that surrounds it, the other phases, and Piatt Preserve
35 East, the property across the street, was already zoned under an existing PUD so it was
36 treated as a major modification.

37 This application, what she is calling the Rowe property, is the key piece that fits in these
38 24 lots. That property was not zoned under a planned district so it went through the
39 entirety of the process.

40

41 Ms. Gwinn said the entirety of Piatt Preserve West has 106 lots. This application has 24
42 of them and it does have 7.4 acres of open space, which is about 45% open space. There
43 is a bike path that runs along the border of the property. The county standards are 10'
44 wide and that change has been made.

45

46 Ms. Gwinn said changes were made when the property received final zoning approval of
47 the preliminary plan by the trustees. The applicant has committed to using dimensional
48 shingles, which is consistent with the natural façade and materials for these types of
49 homes.

50

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51 Ms. Gwinn said the applicant has made a commitment that any temporary advertising
52 signage will comply with the Berlin Township zoning code regardless of the signage
53 renderings that were shown.

54
55 Ms. Gwinn said there had been significant discussion regarding the location of the cluster
56 mailboxes. The applicant has committed to placing those at the corner across from lots
57 87, 88 and 89, as mandated by the trustees.

58
59 Ms. Gwinn said the applicant has committed to additional 3' mounding along the
60 southern border of the property to provide a nice buffer between the existing homestead
61 property, which will remain un-zoned, and this property.

62
63 Ms. Gwinn said everything else remains substantially the same. The density is slightly
64 under the required density for this property as an R-3, with a total of 1.84 units/acre.
65 That provides a nice cohesive look with the surrounding community.

66
67 Ms. Gwinn said this is the fourth phase of the development, so it will be developed last
68 with the other sections going in first.

69

70 BZC Consideration

71

72 Ms. Littleton said she did like to see the additional buffering for the existing homes as
73 that is important to her. She said the text about the bike path still mentions that it will be
74 along Cheshire Road and she asked whether it was planned to go through the homestead
75 property.

76

77 Ms. Gwinn said it is not planned to go through Cheshire Road, but the applicant did
78 commit that the multi-use path is intended to tie into Piatt Preserve at the southern
79 boundary of the property. Alternatively, the developer has the ability to obtain an
80 easement to extend it to Piatt Preserve at Cheshire Road. It is up to the developer's
81 discretion, and that came from the BZC.

82

83 Ms. Littleton said that there will be a bridge over Cheshire Road, and she asked if that is
84 why there will be no bike path over the tracks. Ms. Gwinn said there is no intention to
85 incorporate a bike path there and that would be a decision by the county in the future.
86 Mr. Flaherty said Ms. Littleton is correct and the future viaduct, which is planned but
87 with no timeline, would take the place of the bike trail there. He said the county is
88 concerned with getting the bike paths tied into the new roundabout and eventually
89 leading out, but the viaduct will take all of the Gregory/Cheshire Road intersection,
90 which would defeat the purpose of a bike path in that area. Mr. Flaherty said the design is
91 unknown at this time but a bike path is intended in the future.

92

93 Ms. Littleton asked whether the ponds would be stocked with fish. Ms. Gwinn said they
94 would not be. Ms. Littleton asked whether swimming is prohibited. Ms. Littleton said
95 that was correct. She said the ponds look nice and they are decorative. The applicant has
96 committed to stone facing on drainage walls as well as one fountain per pond. They will
97 be finished to look nice with the landscaping.

98

99 Ms. Brown said she is glad to see the 10' bike path around Piatt Road. However, she
100 thought there would be a bike path on the Gregory Road side as well. She said the
101 development is close to Cheshire Elementary, and she would expect that many homes in
102 that area would have kids that would ride their bikes to school and would want to go
103 down Gregory Road to get to Cheshire Elementary, versus going all the way through the
104 neighborhood.

105

106 Ms. Gwinn said the lots on Bellgrove are in a different application. The development for
107 this side is approved, as well as the final development plan. One of the mandates of the

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108 BZC was that 5' sidewalks accessing the school property would be provided at the
109 northern end of this site subject to school board approval, and that has been provided in
110 the plan.

111
112 Ms. Gwinn said that it was likely that the path would not fit along the western boundary
113 of the property.

114
115 Ms. Brown said she understands that, since Gregory Road is a narrow country road. It
116 was her understanding that was already approved, but she was hoping there would be
117 something there. It also provides a community feel. The sidewalk at the northern
118 entrance does help to alleviate her concern.

119
120 Ms. Brown said regarding the mailboxes, there is no parking there, and accessibility of the
121 mailboxes has been discussed in the past, as well as parking in fire lanes. She asked how
122 residents would park. Ms. Gwinn said there will be a pull off area that was mandated by
123 the trustees, and the text includes a commitment that the HOA will maintain that pull-off
124 area. It will have parking for the mailboxes, and all of that it is in the text.

125
126 Mr. Flaherty reminded the BZC that although the map was provided for the entire
127 development, only the homes in the subject area are being discussed for approval tonight.
128 It is the shaded area; the rest has already been approved including on Gregory Road and
129 the access up the school and is all part of a separate development plan.

130
131 Mr. Flaherty said the same thing applies at Gregory Road, because it will cease to exist at
132 Cheshire Road and it is very narrow right up against the railroad track. It is a safety risk
133 to put a bike path or to encourage kids on that road, which is why the county never put a
134 mandate for a bike path in that area.

135
136 Ms. Kaplan said she had a question about when Gregory Road closes. She asked where
137 the Hubbard property will have access and she asked whether it was through the
138 development. Mr. Flaherty said Gregory Road will continue but will dead end at
139 Cheshire Road, and there will be a viaduct that goes over it. It will still be kept for fire
140 truck access, but it won't be a throughway. Ms. Kaplan thanked the applicant for making
141 the improvements and said they help enhance the property.

142
143 Mr. Flaherty said lots 98 99, 100, & 101 are part of the prior approved phase of the
144 development.

145
146 Mr. Bardash said page 10 of tab 5 discusses the mailboxes in cluster format with the pull-
147 off area, to be constructed by the developer. Page 1 of tab 5, item 2, second paragraph
148 states that when shingles are used they shall be dimensional shingles, but further down on
149 the page under "Roofs," the text states that dimensional shingles may also be used. That
150 should be changed to "dimensional shingles shall be used." Ms. Gwinn agreed to change
151 that.

152
153 Mr. Bardash said he had questioned on page 2 the 20% side load garages, but it was in
154 the preliminary plan and he assumed that wasn't changed. Ms. Gwinn said that was
155 correct. Mr. Bardash said Tab 13, the AEP letter discusses the property being a 104-unit
156 apartment development. Ms. Gwinn said that was incorrect. She said she would update
157 the utility letter to accurately reflect the product.

158
159 Mr. Bardash said other than that, everything looks fantastic. He likes the plans of the
160 houses and that they are all relatively large.

161
162 Attorney Aaron Underhill said the language "when shingles are used" is because there
163 are certain elevations that would allow for a standing seam roof. Mr. Bardash said that

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164 works for him. Ms. Gwinn said she would reword it to state “when shingles are used,
165 they shall be dimensional.”

166

167 Mr. Loveless said the township prefers subdivisions that do not have the backs of
168 properties backing up to large roads. The more the backyard properties are buffered, the
169 better. Powell Road is a great example of what to avoid. . It has beautiful subdivisions
170 but looking into backyards is kind of ugly. The more landscaping buffering, the better.
171 There are some areas without mounding, and if trees could be planted in the back yards,
172 that is better for the property. Mr. Flaherty asked if he was referring to lots 95-97. Mr.
173 Loveless said that was correct, and also a small section at the bottom.

174

175 Ms. Gwinn said there are commitments for additional plantings along the bike path at
176 Piatt Road. The development does comply with the 50’ perimeter setback along the
177 southern boundary of the property. The applicant has made efforts to ensure there is
178 appropriate screening and to ensure there is additional mounding. Mr. Loveless said it is
179 very compliant, but he wanted to stress the fact that viewing somebody’s wide-open
180 backyard is not attractive. The more the yards can be screened for privacy, the more they
181 will appreciate it.

182

183 Mr. Flaherty asked whether it was correct that the minimum 50’ perimeter setback from
184 lots 95-97 to Piatt Road was met. Ms. Gwinn said that was correct, and that does not
185 include the rear yard setback, which is another 25’, or the build line. The homes will be
186 substantially set back from the roads.

187

Public Comment

188

189 There were no comments from the public.

190

191 Mr. Flaherty asked if the applicant would like a vote. Ms. Gwinn said she would.

192

RESOLUTION 2020.08.11 #A: APPROVE BZC 19-006

193
194 Ms. Kaplan made a motion to approve BZC 19-006 with the following conditions:

- 195 • The roof section will be changed to “when shingles are used, they shall be
196 dimensional shingles.”
197 • A new AEP utility letter will be provided that reflects accurate information.

198 Mr. Flaherty seconded the motion.

199 Vote: Kaplan, yes; Flaherty, yes; Bardash, yes; Littleton, yes; Brown, yes.

200 Motion carried, application was approved.

201

202 Mr. Flaherty requested that Ms. Gwinn submit a revised copy of the application to the
203 zoning office. Ms. Gwinn said she would take care of that this week.

AGENDA ITEM: OTHER BUSINESS

204
205 Mr. Loveless said he spoke with attorney Mike Shade, who informed him that the current
206 developers of the multi-unit development The Greenery are backing out, and they want to
207 go to a single-unit development. Mr. Loveless said he informed him that Berlin
208 Township is more into that type of development. Mr. Shade could be proposing a
209 completely different plan that is more like Epcon with multi-units per building. Mr.
210 Flaherty asked whether the development had mixed-use in it. Mr. Loveless was not
211 certain, as it was before his time.

212

213 Mr. Flaherty said that appears to be a major change that would need to go through the
214 trustees and then to the BZC.

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215 Mr. Loveless said he also discussed the annexations from Sunbury, and Mr. Shade told
216 him it was purely business. They were watching the cloud zoning and nothing was being
217 approved or disapproved and they got tired of waiting. Ms. Brown said it has not been
218 finalized yet. She attended the Sunbury council meeting where she asked whether it was
219 because of the apartments. The attorney stated that there was not a plan yet completed
220 for the land. They said they are requesting a traffic study.

221

222 Mr. Loveless said he agreed, and he asked whether it was an issue with the sewer
223 infrastructure or because they wanted higher density. He was told that they were waiting
224 on the cloud decision, which didn't happen, so they made a decision.

225

226 Mr. Loveless said the annexation requested came in last week for the property around the
227 RCD RV area. They have said they want to move forward.

228

229 Mr. Flaherty said the next BZC meeting is scheduled for 8/25/20 but there is nothing
230 scheduled yet. He was hoping that there could be zoning training that could be made
231 public so residents can see how the process works, to increase transparency and
232 awareness.

233

234 Mr. Flaherty said the township hall has been closed for the rest of the year to rentals. The
235 BZC meetings may remain virtual for the rest of this year. He said the BZC received
236 praise from Delaware County, as there was only a week of gap between meetings. They
237 set up a plan that was not only legally compliant but also increased the visibility and
238 engagement of the township to the community. He intends to continue this transparency
239 after covid.

240

241 There was no further business to come before the BZC.

242 Motion to adjourn. Meeting adjourned.

243

244

Steve Flaherty, Chairperson

245

246

247

Jerry Valentine, Vice-Chairperson

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249

250

251

Darcy Kaplan, member

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254

255

Mike Bardash, member

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Martin Johnson, member

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263

Christina Littleton, 1st alternate member

264

265

266

267

Angela Brown, 2nd alternate member

268

269

270

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

271