

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, NOVEMBER 10, 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, Vice-Chairperson Jerry Valentine,
10 Darcy Kaplan, Martin Johnson, Mike Bardash.

11 Also present: Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning
12 Clerk Lisa Knapp, 1st alternate member Christina Littleton, BZC 2nd alternate member
13 Angela Brown.

14

15 Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments is
16 limited to three minutes each. He reviewed the procedure for this hearing.

17 **AGENDA ITEM: VERIFICATION OF MEETING ADVERTISEMENT**

18 Ms. Knapp verified that this meeting was advertised in the 10/30/20 Delaware Gazette as
19 follows:

20

BERLIN TOWNSHIP ZONING COMMISSION
NOTICE OF VIRTUAL PUBLIC HEARING

21

22

23 The Berlin Township Zoning Commission will hold a virtual hearing November 10, 2020
24 at 7:00 p.m. in order to consider an application designated as BZC 18-003, filed by
25 Longhill Limited Partnership II, 1592 Denbigh, Columbus, Ohio 43220. The applicant is
26 submitting a final development plan, Phase A, for an approved R-3/Planned Residential
27 District, (R-3/PRD, 81 residential lots, streets and open spaces on 78.27 acres known as
28 Longhill Farms at Berlin, parcel numbers 418-230-01000, 418-230-010, 418-240-0106
29 6000, 418-240-0105 70 00, 418-240-0105 80 00, and 418-240-0105 8001, 2807 and 2877
30 Berlin Station Road, Delaware Ohio 43015.

31

32 The text and map of this application will be available for public examination excluding
33 legal holidays, October 30 through November 10, Monday through Friday from 8:00 a.m.
34 to 4:30 p.m. For questions call David Loveless, zoning inspector at 740-548-5217 x103.

35

36 Also, you can find a text and map on the Berlin Township website www.berlintwp.us.
37 Please note, this meeting in its entirety will be conducted virtually. Public will have the
38 right to comment by joining the meeting live with an invite link. The link for the meeting
39 will be made available on the township website and the township Facebook page before
40 the meeting date and time. The person responsible for giving notice of the public hearing
41 by publication is Cathy Rippel. Township residents are encouraged to join us virtually.

42

43 Berlin Township Zoning Commission
44 Steve Flaherty, Chairman

45 **AGENDA ITEM: APPROVAL OF MINUTES**

46 Mr. Bardash made a motion to approve the minutes as submitted from the 10/27/20 BZC
47 meeting. Mr. Valentine seconded the motion.

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

49 Motion carried, minutes were approved.

50 **AGENDA ITEM: BZC #18-003 LONGHILL LIMITED PARTNERSHIP II**

51

52 *The Berlin Township Zoning Commission will hold a virtual hearing November 10, 2020*
53 *at 7:00 p.m. in order to consider an application designated as BZC 18-003, filed by*

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54 *Longhill Limited Partnership II, 1592 Denbigh, Columbus, Ohio 43220. The applicant is*
55 *submitting a final development plan, Phase A, for an approved R-3/Planned Residential*
56 *District, (R-3/PRD, 81 residential lots, streets and open spaces on 78.27 acres known as*
57 *Longhill Farms at Berlin, parcel numbers 418-230-01000, 418-230-010, 418-240-0106*
58 *6000, 418-240-0105 70 00, 418-240-0105 80 00, and 418-240-0105 8001, 2807 and 2877*
59 *Berlin Station Road, Delaware Ohio 43015.*

60
61 Mr. Flaherty said this is a continuation of the process; the preliminary zoning plan was
62 approved in 2019. The developer has now come back with a more detailed plan that
63 includes the engineering and now they can pursue construction permits for the process.

64
65 Aaron Underhill, an attorney with Underhill & Hodge, representing the applicant, said
66 this project was presented last year and it was denied. The team took into account the
67 concerns that led to that, and gained the BZC's support for the project.

68
69 Mr. Underhill said he is presenting the first phase of development of what is a much
70 larger development. All materials meet the underlying zoning and there are two minor
71 modifications they are requesting approval for. He said the BZC seemed to be very
72 pleased with the plan revisions and commitments including the agricultural use
73 component that goes along with the community building and will serve the entire
74 subdivision.

75
76 Mr. Underhill said the township trustees also have provided a lot feedback. He is here to
77 present the first phase, which includes traditional single family homes as well as The
78 Enclave, which is the empty-nester portion. Two community buildings have been
79 provided; one will be on the southeast portion of the project and will serve the entire
80 community, and the second is for The Enclave and will serve active older adults.

81 Mr. Underhill said the first modification is to the requirement to provide a pool at the
82 second community building. His marketing people have told him that the pool isn't as
83 important to an active empty nester when they have one available in the other part of the
84 subdivision. Replacement amenities will be provided.

85
86 Mr. Underhill said the second modification relates to how far the garages on type B lots
87 can extend beyond the front façade of the home. So many details were discussed during
88 the initial process and they only realized recently during the final development plan
89 process that they had measured how far the garage can project from the front of the
90 façade, not taking into account the front porches. The modification has to do with where
91 the projection is measured from, and he would like to measure from the front façade of
92 the front porch rather than the front façade of the structure itself.

93
94 Mr. Underhill said the underlying zoning requirements have been met, other than those
95 modifications and he would like to request approval tonight.

96
97 Greg Chillog, with Edge Landscape Architecture, said there would be 81 lots of the 481
98 approved in this portion and that this is located at the south and southeast portion of the
99 site. It comprises 78 acres of the overall 278 acres. The main access point is along
100 Berlin Station Road and a future access point on the future Piatt Road extension. This
101 matches up street for street and lot for lot with the approved plan. The first section also
102 includes areas along the railroad tracks to the west and towards the center of the site,
103 which is part of the storm water plan, and retention ponds will be installed.

104
105 Mr. Chillog said there is an extension to what will be a future connection/primary access
106 point along Piatt Road. There will be two phases in this portion of the project. Phase 1
107 should have a spring 2021 start and the development schedule will start with roads,
108 utilities and infrastructure. Lots sales and construction should occur in the fall of 2021.

109

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110 Mr. Chillog said there are two shaded areas; the lots in white towards the eastern portion
111 of the site are the Type A lots which are traditional single-family lots, and the gray are
112 the Type B empty-nester lots.

113

114 Mr. Chillog said the two amenity areas include clubhouses, pools and playgrounds as
115 well as elements of the project branding and landscaping design including street trees and
116 buffering.

117

118 Mr. Chillog showed the proposal for the main amenity building at the southeast corner of
119 the site, where there will be community space with potential future gardening areas, etc.
120 He displayed a building with a farm vernacular and it looks like a barn building, inspired
121 by the rural character in the area in order to create an iconic, memorable experience along
122 Berlin Station Road.

123

124 Mr. Chillog said there is also a silo option on the plan; they are exploring the potential to
125 secure or construct a silo to create an identify feature that could also be used for
126 community storage/space in the future as the ag area develops. The main portion of the
127 community building will be white with vertical board and batter siding and darker trim
128 options. Roofing materials will be asphalt shingles and the siding materials will be
129 cementitious siding. It would be organized around a center mass with a couple small
130 wings that come off the side that look like a lean-to element.

131

132 Mr. Chillog showed a smaller clubhouse feature amenity in The Enclave and the building
133 also has the farm vernacular with a porch that provides access to the amenity area. It will
134 have some masonry as well and will have metal for the roof, asphalt shingles and
135 cementitious siding. Mr. Bardash asked whether it would be metal or shingle roofs. Mr.
136 Chillog said he was considering the covered porticos off the main structure building may
137 have metal roofs of corrugated or standing seam in order to provide variety and also in
138 keeping with materials typically seen on a farm.

139

140 Mr. Bardash said he likes that idea from a maintenance standpoint as well.

141

142 Ms. Littleton said she reviewed the preliminary development plan and she recalled muted
143 colors and earth tones. She was concerned about the high-contrast black and white barns
144 contrasting with the homes. She asked whether the color scheme had changed. Mr.
145 Chillog said it had not and that it was intentional so it stands out. There will also be some
146 elections of those colors of the single-family homes that blend with it. He did not think it
147 would look out of place when it is seen in context. The modern farm look is popular
148 right now, he said. It is also possible that there could be architecturally-themed areas
149 within this development.

150

151 Ms. Littleton was concerned about the silo; she thinks of Big Bear Farms, where she
152 thinks the silo looks artificial and out place, and she was afraid of it looking odd. Mr.
153 Flaherty said the BZC asked for the silo. Mr. Chillog said there are commercial
154 businesses at Big Bear Farms. In this situation, the building in the front where the silo
155 may be located is very in scale with what one would see on a farm.

156

157 Mr. Bardash said the silos were done in homage to the barns that were torn down to build
158 that complex. On the subject property, the silo would be located in the ag area. He does
159 not want the silo to be optional. Mr. Chillog said he wanted to make sure the appearance
160 of the silo was not cliché. It was heavily discussed that this was an ag-oriented part of
161 the project and it was meant to re-establish the rural character along that roadway.

162

163 Mr. Flaherty showed a photo of Jerome Village in Dublin and said there are similar
164 designs in New Albany. This is a large development of 492 homes coming into the rural
165 core of Berlin Township, so when it was initially presented, the BZC wanted to make
166 sure it was more than just rooftops. The agri-hood concept was suggested by a resident
167 and the concept was born. Mr. Chillog agreed.

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168 Ms. Brown said when she thinks of a barn she thinks of metal, and she asked why the
169 roofs could not be metal. She said that would also require less maintenance. Mr. Chillog
170 said he did not see a problem with either of those material and he can explore the concept
171 of incorporating more metal into the buildings.

172
173 John Pardi, with Longhill Ltd. 1592 Denbigh, Columbus, said he thinks that metal is a
174 better choice but he is trying to keep costs in mind. Ms. Brown suggested using metal on
175 part of the building. She really likes the silo.

176
177 Mr. Valentine asked whether the amenities and the barn would be part of this plan. Mr.
178 Chillog said the design is being approved in this section of the final development plan.
179 There is specific language in the text that requires the applicant to construct these
180 amenities when a certain percentage (40%) of the overall development is under
181 construction. Mr. Valentine asked whether 200 buildings would be constructed prior
182 that. Mr. Chillog said that was correct and that within 2 years the buildings or an amenity
183 area may be built, at the latest.

184
185 Mr. Chillog said there is a lot of upfront investment in this first part and once that is
186 rolling, those features would come online. Mr. Loveless said it would make a very
187 unusual sales feature.

188
189 Ms. Kaplan asked whether these are traditional structures or pole-barn type structures,
190 and what the foundation would be, such as concrete, especially for the porches. Mr. Pardi
191 said the builder has not been determined yet but typically these would be a slab on grade
192 foundation. The structures should be all-wood, conventional, economical construction.
193 He did not see this as a full barn but more of a conventional residential style.’

194
195 Mr. Chillog said especially in The Enclave, that is all conditioned space and it not
196 conducive to a pole barn. Most of the larger, overall community center is conditioned
197 space and it’s really not lending itself to a shell at this point.

198
199 Mr. Chillog reviewed the southeast portion of the site. He pointed out perimeter
200 buffering round the neighboring properties, low maintenance, natural, no-mow
201 naturalized area. There are ponds with fountains per the requirement of the trustees. He
202 showed an overview of the main amenity area, which includes a pool area, community
203 center, green spaces, and playground. To the south of that along the rural setback is a
204 conceptual layout for the ag element of the project.

205
206 Mr. Chillog said there is very specific language in the zoning text that requires ag
207 elements to be on the front side of the project towards Berlin Station Road and the farm
208 community center to be towards the north part of that parcel. A look will be established
209 along Berlin Station Road using horse fence, manicured lawn and unmaintained area
210 behind that fence.

211
212 Mr. Chillog reviewed the main entry signage and branding. At the first intersection to the
213 north there will be a secondary branding for The Enclave, as well as entry into the
214 traditional single-family areas. He showed a conceptual layout/idea for establishing the
215 agricultural character along Berlin Station Road. He is setting up a grid system that could
216 be developed in the future by the HOA or an operator for the establishment of community
217 gardens or a small farm. There could be different plots for an orchard, community
218 gardens, or un-mowed areas.

219
220 Mr. Chillog said the text indicates that anything that happens in these areas regarding ag
221 uses would be approved by the HOA, but that does not exist yet. He said this is a concept
222 until it gets to that point.

223
224 Mr. Chillog reviewed the northern half of the main amenity area that shows the
225 clubhouse building with the wing roofs. To the west there is an outdoor patio area that

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226 would be an extension of some of the interior spaces of the community building, and that
227 acts as a transition to the pool deck area to the west. To the north of the pool is a
228 programmed playground area that accommodates different age groups. Directly north of
229 the clubhouse building an event lawn has been established that is on-axis with the center
230 of that building. As that runs north he is trying to create an overlook to the pond that
231 exists to the north. Those elements would exist along the pathway that connects to the
232 development.

233

234 Mr. Loveless said the parking lot on the east side will point right at a residence, so
235 buffering will be required along there. Mr. Chillog said that was not a problem and he
236 would provide parking lot screening.

237

238 Mr. Chillog showed the amenity area in The Enclave. The orientation is slightly different
239 than in the preliminary plan due to engineering issues and is less central. On the back is a
240 patio area for outdoor amenity space which extends into the pool. The parking lot wraps
241 around the east and the north side. The mail facility for The Enclave is located towards
242 the intersection.

243

244 Mr. Chillog said this design is intended to show it is meeting the intent and the
245 commitments made in the zoning text with the pool. He said he would like to provide in
246 lieu of a pool alternative amenities such as bocce courts, cornhole areas, a larger outdoor
247 fireplace area, seating areas, shuffleboard courts, etc. The installation of backyard
248 playgrounds has been restricted in order to discourage children from living here. The
249 pool conversion would also help with that.

250

251 Mr. Chillog showed the main entry feature design at Berlin Station and Piatt Roads,
252 consisting of large piers that stand sentry to the entry drives, curving masonry walls that
253 terminate with other piers and a hanging sign that is reminiscent of a farm sign. It would
254 be massive in character, constructed of wood, uplighted and two sided.

255

256 Mr. Chillog showed the four-rail dark horse fence, which he said would be characteristic
257 along Berlin Station and Piatt Roads and would set the tone for the area. The dark trim
258 would tie into the amenity center. On the lower right, detail #6 are the main entry
259 columns that stand sentry to the entry drives with a masonry element. The entry columns
260 are a secondary entry feature located at the entrances into the different branded areas to
261 the development.

262

263 Mr. Chillog said The Meadows is the traditional single-family portion of this and it will
264 have 80' wide lots. There will be decorative community mailboxes to be locate
265 throughout the development, with a gang of them at The Enclave near the amenity center
266 as well at the entrance drive to the main amenity clubhouse area.

267

268 Ms. Brown asked whether there would just be two locations for the 482 lots. Mr. Chillog
269 said there would not be. They would be located based on phasing and sections and there
270 will be about eight locations overall.

271

272 Ms. Kaplan said she understood the reasoning behind removing the pool and adding
273 amenities. However, she was concerned that the community pool would not be large
274 enough. Mr. Chillog said that is typical and noted that Glenross and Jerome Village are
275 served by one pool. There are fewer units in this development. Ms. Kaplan said the main
276 pool may be too rowdy for older people. Mr. Chillog said that the pool is not being
277 eliminated but he would like the option.

278

279 Mr. Bardash said as an empty nester he would prefer a pool without kids. This is the
280 final development plan, and the applicant is speaking vaguely that there may or may not
281 be a pool, metal roofing etc. He asked why there are so many "what-ifs" on the final
282 development plan. Mr. Chillog said he is requesting approval for this. Mr. Johnson said

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283 it is hard to approve a “maybe.” The silo, metal roof and pool would all be optional. Mr.
284 Chillog said the metal shown will be built, but there may be more.

285
286 Mr. Johnson said the minimum is leaving the option to even do less. He asked whether
287 the silo would be built or not. If so, there should be some sort of usefulness other than
288 just taking up space or storage. He said they want to replace the pool, but they haven’t
289 specified what will replace it. The builder may want to just throw up a piece of plywood.
290 By this stage in the planning process, the applicant should know the basic construction
291 and materials. The replacement for the pool should be specified. It is too open-ended,
292 which is not acceptable for a final development plan.

293
294 Mr. Chillog said he wants the approval tonight and he does not want the modifications to
295 stop the process tonight; they can live with the pool and can remove item B from the
296 request. Metal roofs are shown on portions of the building, and more metal roofing could
297 be added later. Mr. Johnson said there are ambiguities in some of the basics in the plan.
298 Mr. Chillog said he has not included additional metal on the roofs. He is asking the BZC
299 to approve the plan as submitted, with asphalt shingles on the main buildings and asphalt
300 shingles and metal roofing around the edges/secondary portion of The Enclave building,
301 nothing else.

302
303 Mr. Underhill said the underlying zoning text requires shingles or metal roofing as an
304 “either/or” and that is the backstop. If the BZC wants more metal roofing, conditions
305 could be created and specified as part of the approval. Mr. Johnson said he had been
306 concerned due to Mr. Chillog’s comments that he was only “thinking” about metal
307 roofing but he sees that it was included in the text.

308
309 Mr. Johnson said he is concerned that the silo would not be built and he would like the
310 term “optional” to be removed from the text. Either there is a going to be a silo or not.
311 Either there will be a pool or not. If the developer wants something other than a pool, the
312 BZC should be able to see and approve the substitution.

313
314 Mr. Chillog said he has provided a plan that meets the zoning commitments and he would
315 like the BZC to act on that tonight. Mr. Johnson said the applicant is requesting a
316 substitution for the pool and he would like to see what that is. Mr. Underhill said that is
317 a fair request and if things change, the applicant could come back and request a
318 modification. He recommended removing the request to remove the pool at this time.

319
320 Mr. Bardash agreed that changing the plan to remove the pool was not a good idea at this
321 point, especially since the plan with the pool was approved by the trustees. Mr. Underhill
322 said he formally requested that the request to remove the pool at The Enclave is
323 withdrawn; the applicant will come back in the future if the change is desired.

324
325 Mr. Johnson had questions about planning for the other phases. The community
326 structures won’t be built immediately and the other entrances will be in future phases, he
327 asked how much of that was dependent on the Piatt Road extension. Mr. Chillog said
328 Piatt Road is not part of this request. There is one entrance off of Berlin Station Road and
329 the Piatt Road extension will not exist when this first phase is constructed. Mr. Johnson
330 said the plan shows what the entrance will look like. Mr. Chillog said it will be part of
331 this phase but there won’t be a Piatt Road to enter from. Mr. Johnson asked whether it
332 would be stubbed. Mr. Chillog said that was correct and that it would be connected at
333 another point.

334
335 Mr. Johnson asked whether the applicant had a commitment from the county regarding
336 when the extension is planned. Civil Engineer Mike Riggs, P.E. with Kimley-Horn, 2400
337 Corporate Exchange, Suite 120, Columbus, Ohio said that the county engineer’s office is
338 currently working through phase 3 of the design for the widening of Berlin Station Road.
339 That includes the peanut roundabout that connects the off-setting legs of Piatt and
340 Rollison Roads and that will terminate at the southern entrance of the Longhill

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341 Development. The county will be bringing that up to the entrance that is shown on this
342 final development plan.

343

344 Mr. Riggs said he has been working closely with the Delaware County engineering
345 department. There are typically four phases of engineering plan submittals in a county
346 improvement project, and they are currently in phase 3. There is one more phase for final
347 design review that will be done this winter, and he hopes plans will be approved by the
348 spring, with construction beginning next year, dependent on financing and weather. It is
349 probably 12-18 months from being built.

350

351 Mr. Chillog said the development is in front of the connection and the county would
352 actually tie into the development rather than the developer tie into the county.

353

354 Mr. Johnson said there had been discussions regarding additional buffering near the
355 railroad tracks including supplemental planting to help protect grandchildren at The
356 Enclave. However, he did not see anything in the landscaping plan that discussed that.

357

358 Mr. Chillog said the existing trees along the railroad in the southern section of The
359 Enclave appeared to be sufficient to meet the railroad buffering requirement, and there is
360 not a lot of area to plant in the existing tree row. He could commit that gaps would be
361 filled in once they are on site. Mr. Johnson said there is existing vegetation but the leaves
362 will fall in the autumn. He believe that evergreen trees were discussed to be planted to
363 help buffer that. Mr. Chillog said he could supplement once they are on site. The
364 southern portion is heavily wooded.

365

366 Mr. Flaherty said there are two amendments being requested by the applicant to already-
367 approved zoning plans that date back to 2016 when they were approved. The property
368 was zoned from FR-1 to R-3 with a PRD overlay at that time.

369

370 Mr. Valentine said the pool is off the table but perhaps a hot tub could be provided
371 instead.

372

373 Mr. Valentine asked about the change to allow garages to extend further. He was
374 concerned about how much space there would be between the road and sidewalk. He
375 wanted to make sure there would be enough space for two cars without blocking the
376 sidewalk.

377

378 Mr. Chillog said there is room for two cars side by side; typically the setbacks permit at
379 least 1 to 1.5 from the garage door to the sidewalk so they don't overhang the sidewalk.
380 He said the front yard for type B lots is 55' from the centerline from the right-of-way, the
381 right-of-way is 50', and there is a 20' setback so that would leave at least 20' from the
382 face of the garage to the sidewalk.

383

384 Mr. Valentine thanked the applicant for the work, as there have been some applicants
385 recently where there was not work, thought or respect, and he feels as though he has
386 received that from this applicant.

387

388 Mr. Flaherty said there was a 2' bump-out, and the applicant realized during the
389 engineering and planning process that if a client choose to build a porch, that 2' bump-out
390 would be obstructive to having a covered front porch. The request is to allow the bump-
391 out and that it will not extend greater than 12", and he asked whether that was correct.

392

393 Mr. Chillog said that was contemplated and committed to at the trustees hearing. This
394 was about limiting how far garages can extend past the front façade of a house for 20% of
395 the type B lots with a 2' extension maximum. The maximum dimension from the
396 primary front façade of a house to the front facing garage façade is limited to 2' for 20%
397 of the lots, and he is requested to modify that to indicate that if a covered porch of a

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398 minimum size that the 2' offset could be measured from the edge of the porch instead of
399 the primary façade of the home.

400

401 Mr. Flaherty said the township did run the change by the county prosecutor's office
402 because it is a modification to the approved preliminary plan. In the assistant prosecutor's
403 opinion it was an architectural modification rather than a zoning modification, which
404 would trigger a major or minor modification that has to go back before the trustees for
405 approval. The prosecutor's office had the same opinion, which he provided to the
406 applicant.

407

408 Ms. Brown said the purpose of the requirement was originally to prevent a large portion
409 of homes from being "snout-houses" with the garage extending out.

410

411 Mr. Chillog said by adding the commitment to the architectural element of a covered,
412 minimum-size porch it becomes an architectural element as opposed to just a stoop.

413

414 Mr. Bardash said this ensures that just because the front porch extends out further, the
415 front of the garage is still no closer to the street than it was in any of the diagrams. The
416 driveway parking remains unchanged; it simply sets the main structure back a bit further.

417

418 Ms. Littleton asked for an explanation of the 2' extension. Mr. Flaherty said it was to
419 prevent a flat house and ensure there is a three dimensional aspect; it is more visually
420 pleasing. Ms. Littleton said she did not understand why another 2' is necessary. Mr.
421 Chillog said he defined a "snout house" as a structure with a garage that extends more
422 than 2' from the front façade of the house. Anything beyond that is considered a "snout
423 house," and there can be no more than 20% of those.

424 Mr. Flaherty said he is fine with removing the pool at The Enclave if the text defines
425 what the minimum replacement amenity would be. This is the final development plan,
426 when such requests should be made. Otherwise, the pool can remain. Mr. Johnson
427 agreed.

428

429 Mr. Bardash asked whether the BZC would be able to view and approve the alternative to
430 a pool. Mr. Flaherty said the language should indicate "at a minimum, it must be x, y and
431 z." The proposed language of "a clubhouse, outdoor amenities supporting an empty-
432 nester lifestyle" is vague and should be defined.

433

434 Mr. Underhill said he can live with the language either way.

435

436 Mr. Chillog said there is another design for this option but the pool was added to meet the
437 code. He suggested language indicating a pool is an acceptable amenity but at a
438 minimum the area will contain a larger patio, fire pit, additional outdoor seating areas, an
439 event lawn, and bocce ball.

440

441 Ms. Littleton asked whether the items could be defined. Mr. Bardash said a putting green
442 had been included at one point and he would support that. Mr. Flaherty said it was
443 included on the current drawing. Mr. Chillog said that would not change. Mr. Flaherty
444 said bocce ball seems to be important to this type of development.

445

446 Mr. Pardi said he does not have a problem with that. He has found that the market for
447 this development does not want to have a pool but would prefer more activity-based
448 facilities such as bocce or pickle ball. This is market-driven and if a builder wants to put
449 a pool in he would like to leave the option open. Mr. Flaherty said he wanted to ensure
450 that the replacement amenities were an adequate substitution.

451

452 Mr. Flaherty said he would like to see pickle ball, as the residents have stated that is one
453 of their top amenities. Mr. Pardi agreed and said maybe that could be included in Phase 2.
454 He would like to have the flexibility to address the needs of The Enclave residents. Mr.

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455 Chillog said that more pickle ball courts could be included in a future phase than could be
456 built here due to the space limitation.

457

458 Mr. Pardi said portable pickle ball court equipment is very popular in Florida and that
459 could be done here. Mr. Flaherty said that can provide flexibility but could also cause
460 sharing space problems such as when somebody wants to play pickle ball while
461 somebody else wants to sit there.

462

463 Mr. Chillog said the alternative design to a pool does not support a pickle ball court
464 because of the space. Mr. Flaherty asked whether there would be 2 bocce courts. Mr.
465 Chillog said there is only room for one regulation size court, but the event lawn could be
466 re-oriented. Mr. Flaherty said he wanted to ensure there is active recreational space and
467 not just a glorified patio.

468

469 Mr. Chillog said he would like to have the flexibility to eliminate the putting green to
470 have two bocce ball courts and pickle ball.

471

472 Ms. Kaplan said she supports deleting the requested modification altogether and leaving
473 the plan as is with the pool. She understands the flexibility and said that the need for
474 active areas is very important. The plan needs to be firmed up as this is the final
475 development plan

476

477 Mr. Bardash said the pool is also conducive to water aerobics, which won't be possible in
478 the community pool due to the kids.

479

480 Ms. Brown said she would like to keep the pool and she felt the modification should be
481 deleted. Mr. Underhill said if the applicant wants to deviate from the approved plan, they
482 would need to file an amended development plan with the specific plans and the BZC
483 could approve or deny the plans.

484

485 Mr. Flaherty said the water line letter is nearly two years old; a new letter from Suburban
486 Gas has been provided, but the county sewer letter has expired. Mr. Riggs said he now
487 has approved engineering plans that supersede the letters.

488

489 Mr. Flaherty said the BZC is taking the final development plan as laid out here with the
490 phase and the structures as noted for both the main agricultural farm area and The
491 Enclave area, and the modification of Attachment E, which is the bumpout text. He
492 recommended that the silo be required.

493

494 Mr. Flaherty said the applicant has committed to trees along the parking lot for parking
495 lot shading. Mr. Johnson asked whether 4' tall shrubs that block headlights would be
496 required.

497

498 Mr. Loveless said a fence is required between all existing residences and it would be wise
499 to ensure that so that animals don't run free. Mr. Underhill asked whether there could be
500 a shrubbery planting requirement along the shared property line to a minimum height of
501 36-42" at perhaps a 75-80% opacity after some period of time. Mr. Chillog said he could
502 do a 42" height at 75% opacity within three growing seasons.

503

504 Mr. Flaherty asked whether the mailboxes were covered, as the BZC likes roofs on them.
505 Mr. Chillog said they are not covered and said they are off to the side of the street. He
506 reviewed the main amenity blowup for their location. They are the same mailboxes as at
507 The Pines. At The Enclave, they were broken up and oriented around a gathering space
508 with landscaping.

509

510 Mr. Flaherty said it's not the look but the functionality of it raining and a homeowner is
511 trying to get their mail while getting soaked. He did not recall any development outside
512 of The Pines that was approved without a cover. Mr. Chillog said a regular mailbox

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513 doesn't have a cover and residents access them. Mr. Flaherty said regular mailboxes
514 don't have keys.

515

516 Ms. Brown said that the mail carrier has to put mail in so many boxes without a cover.
517 Not only could they get soaked but the mail could too. It's not just about the residents.

518

519 Mr. Underhill asked whether that was regulated in the zoning resolution. Mr. Flaherty
520 said it is a new USPS regulation that hasn't been updated in the code yet, so the BZC has
521 been requiring it since that point. Mr. Underhill said he is trying to be accommodating
522 but this is a surprise because it's more of a preference than a requirement. Mr. Flaherty
523 agreed but said it has been requested in the past.

524

525 Ms. Brown said she likes the detail in front of The Enclave and she said it could be a
526 simple as an octagon roof with nice posts. The design would tie back to the barn that is
527 sitting right in front of. It could have a lean-to feel that could match the clubhouse. She
528 feels it is important as well and that it will be added to the zoning resolution in the future.
529 The residents would appreciate it as well.

530

531 Ms. Littleton said she agreed with Mr. Flaherty and Ms. Brown and she feels it's
532 important. There is no comparison between a regular mailbox and these areas. A special
533 trip has to be made to pick up mail versus just walking down the driveway. It would be a
534 nice convenience to the residents to not have to be exposed.

535

536 Mr. Underhill said it's ultimately his client's call as to whether they want to do that or not
537 and it is a cost issue. He sees the point that it's a preference and he assumes that the
538 postmaster would see that favorably. He asked Mr. Pardi to weigh in on the cost
539 implications. Mr. Pardi said there would be five locations and he was not sure of the
540 cost. He was not expecting this request. He said the costs are adding up with the five
541 structures. At some point, this becomes undevelopable.

542

543 Mr. Flaherty said the applicant provided a preliminary plan in 2018 and things have
544 changed since then. There has been a preference shown and the decision is the
545 applicant's. Some builders would not think of not having roofs on the mailboxes. Berlin
546 Township has shown a preference for that.

547

548 Mr. Pardi said that the concept was to make the project stand out from other projects and
549 it was a family commitment to address the issues. He feels that he has addressed those
550 issues. He said if the BZC is open to the flexibility of building the roofs or not, that
551 would go a long way with him.

552

553 Mr. Flaherty said that is the preference and it is being mentioned. Ultimately, the
554 applicant is submitting the project as he wishes. Mr. Underhill said it may be the
555 preference of the builder and the residents that they want the roofs, but they would like
556 the flexibility.

557

558 Ms. Littleton said she was not on the BZC when the application was approved, and she
559 asked for a brief review of the purpose of the agri-hood areas and whether it was intended
560 for residents to garden there. Mr. Chillog said the intention was to create an amenity
561 for the greater community, even outside of this community for the potential to participate
562 in some type of agricultural activity. He investigated agri-hoods which are essentially
563 developments oriented around small farms or growing food, which are operated by an
564 independent operator or an HOA.

565

566 Mr. Chillog said he does not currently have an operator or an HOA so he's trying to
567 establish a design framework that can accommodate something that might be more
568 aesthetically pleasing, or could accommodate smaller community gardens or a larger
569 operator. Mr. Underhill said this was discussed with the trustees, and it was important to
570 them that they provide the residents with the opportunity to program this and they wanted

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571 the developer to provide the framework because they do not know what the residents
572 want. The HOA can then decide what they want in the future.

573

574 Ms. Littleton said there are trees planted along the walkway and she suggested planting
575 more trees closer to the playground. Shade is very nice when taking kids to the
576 playground. Regarding the main entry off of Berlin Station Road, she did not see that it
577 was specified as a three-lane road, which was specified by the county engineer. Mr.
578 Chillog said it would be a three-lane road.

579

580 Ms. Littleton asked whether the plan for the multi-use trails on the perimeter was to run
581 from the Hildebrand property all the way north along Piatt Road. Mr. Chillog said
582 because it's his project it would be from the property line. That would be the case along
583 all frontages along Berlin Station and Piatt Road; there is an accommodation for that
584 perimeter path system.

585

586 Ms. Littleton said the high school is just south of the subject property, and she asked
587 whether there were plans for crosswalks as Berlin Station and Piatt Roads are very busy.
588 Mr. Riggs said that would need to be coordinated the county engineer's office because
589 they're the ones doing all the improvements on Berlin Station Road. They have a project
590 in place for the widening and pedestrian access and their plans do have crosswalks and
591 sidewalks, but the county engineer is taking the lead on that.

592

593 Mr. Flaherty said the modifications so far are:

594

595 - The parking shading at 42 inches height with 75 percent opacity within three
596 within three growing seasons.

597 - Fill in trees as needed along the railroad tracks.

598

599 Mr. Valentine asked about the silo. Mr. Underhill said that is a cost factor and although
600 it's a "neat idea," he was not sure whether Mr. Pardi was prepared to commit to it, which
601 is why it was shown as optional. He asked whether he could fashion a condition that says
602 it is optional and that if they want to install a silo, the applicant will need to come back to
603 the BZC to review its design and programming.

604

605 Mr. Bardash said it could be included and then the applicant could come back if they
606 decide they do not want the silo. Mr. Underhill asked if Mr. Pardi knew what the costs
607 were. Mr. Pardi said it was \$60-200,000 although he did not have an exact cost. He said
608 he wanted to have it optional and a builder could have the option to build it. Mr.
609 Valentine said it fits in the community and the message they are trying to send; without
610 it, it seems that something is lost.

611

612 Mr. Pardi said he doesn't disagree, but with the builder not being known and with all the
613 other amenities, it may become unaffordable.

614

615 Mr. Chillog said the intent was that at the time, they were discussing cost and appearance
616 and it was brought to the BZC to approve the plan as drawn with the silo being optional.
617 However, they wanted the BZC to weigh in on the design if they design to do it. It would
618 be builder optional, not BZC optional. It would prevent the applicant to come back later
619 if they decide to build it without having to have the design reviewed. It was a design
620 idea. He knows the BZC loves the silo, but they need to find a way for it to fit within
621 their budget.

622

623 Mr. Flaherty said if it isn't required, it most likely will not be built, and the general
624 consensus of the BZC is that they really love it. Mr. Bardash said the silo cannot be
625 unseen at this point. Ms. Brown agreed.

626

627

628

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Public Comment

629

630

631 Jeff Jordan, 2862 Berlin Station Road, said via chat that he didn't have any specific
632 comments but he appreciates all the attention to the application so far.

633

634 Robert Holmes, 2981 Berlin Station Road, thanked the applicant for listening to the
635 comments that were given in the beginning, and he knows this has been a lot of work. He
636 believes this project will end up being a beautiful development for Berlin Township and
637 it will be very well-received. Regarding the silo, he would really like to have the silo and
638 it adds a lot to rural feel of the area. Berlin High School will be a center point for this
639 area, and this is an opportunity to define this entire community.

640

641 Mr. Flaherty said it is very attractive to have the silo there. He said perhaps Berlin
642 Township lettering could be placed on the silo and it could be crowdfunded with
643 sponsorship by local businesses, 4-H, etc. He supports that because it does provide the
644 identity that the township is looking for with the agri-hood, the rural feel and the rural
645 core.

646

647 Mr. Flaherty said it would complement the residents, as 492 houses being built in their
648 backyard is not easy. It is the least usable amenity of the entire development but one of
649 the most aesthetically pleasing elements of the entire design. He would like to see an
650 effort to build the silo and not zero commitment from the builder/developer. The
651 applicant could keep the silo in there and the township, developer and the community at
652 large could work together to make it plausible.

653

654 Mr. Underhill said he believes that is a possibility and that is very creative and there
655 could be a way to word that. He did not want to have \$200,000 problem that starts
656 adding up to real money. If the cost could be reduced via other contributions and there is
657 more of a public purpose, it could be a marketing tool for the community at large. He is
658 open to those creative possibilities if they can figure out a way to do it.

659

660 Mr. Flaherty suggested that the applicant commit the space and engineering to it and the
661 developer could commit to a dollar amount or a matching effort and it becomes a
662 community effort. It would be optimal if they could fund the entire silo. It was included
663 in the design and has become a part of the project in his mind. He would rather work
664 collaboratively with the community and he believed the community would get behind it.
665 His company would be willing to donate to the cause to help support it.

666

667 Mr. Valentine said regarding the pool that is being removed from the plan, he would
668 prefer the silo instead. Mr. Underhill said that is a creative solution but candidly, the
669 pool is not a cost issue; it is more of a market issue. He is unable to speak with his clients
670 privately due to this being a Zoom call.

671

672 Mr. Chillog said he is asking for the silo to be optional; he wants to build this because it
673 makes sense for the impact that it adds. He said they are asking that if it becomes a
674 burden to getting the project going, he wants to ensure the project is not held up. The
675 project is very close on numbers. He would like the flexibility.

676

677 Mr. Johnson said whether it is approved as is tonight, neither one of those buildings are
678 being constructed as part of this plan. Mr. Flaherty said they are not required to be built
679 with the overall zoning text until 40 percent at the latest.

680

681 Mr. Johnson said due to the number of lots in this phase, it would not be built during this
682 phase. Mr. Flaherty said that is correct said it is being final developed, plotted and
683 engineered in this phase.

684

685 Mr. Chillog said while they may not be constructed with the first phase, they are being
686 built within the boundary that has been established for section one of this project.

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687

688 Mr. Flaherty said at a minimum the support and commitment to the engineering and the
689 space required would be required, and the funding is to be determined. It would be a
690 good faith commitment. He said it really helps bring a sense of community to that rural
691 core area of the township.

692

693 Mr. Underhill said he could agree to set aside the ground for that purpose as well as
694 commit to the engineering and design of the structure itself and continue to work in good
695 faith with the township on it. He said perhaps an estimate could be obtained for the cost
696 to construct and then work together to get it done.

697

698 Mr. Bardash really liked the idea that the silo could say Berlin Township on it. Mr.
699 Flaherty agreed that it could provide a sense of identity for the township. He asked
700 whether if it was funded by sponsorships, it could say Berlin Township on it as opposed
701 to Longhill, which is already on the building. Mr. Underhill said perhaps it could include
702 both names on it.

703

704 Mr. Loveless asked whether language could be added to the general notes on the
705 landscaping plan L-1.01, the minimum distance of the street trees to the sidewalk. The
706 drawing of the typical lot plan shows they are very close to the sidewalk, and there
707 should be at least 4-5' from the sidewalk and the base of the trees.

708

709 Mr. Chillog said that the line shown is the right-of-way line, and the next line to the south
710 is the sidewalk to the right-of-way, so there should be plenty of room. The intention was
711 to show that the street trees are not in the right-of-way although they may be 4' from the
712 sidewalk. He agreed to add a note to the plan.

713

714 Mark Turon, 1198 Dale Ford Road, said he lives on an adjacent property and is new to
715 the area. He asked whether the trees and shrubs along the property line would remain.

716

717 Mr. Chillog said the intention is to keep all the trees on the property line along Berlin
718 Station Road. He would not remove trees that were not on his property. If trees are
719 removed that would cause an opening of the existing buffer, he would adjust the buffer
720 planting to fill those voids. That is a requirement in the zoning.

721

722 Scott Schraer, 1134 and 1146 Dale Ford Road, thanked everybody for their efforts and
723 work on this project. He is concerned about the area along Berlin Station Road and the
724 entrances to this community as well as the buffering. He asked whether meetings would
725 be held as this development pushes to the north so the residents can have input. He asked
726 whether there were plans for further buffering around the property line as the plan is
727 developed.

728

729 Mr. Flaherty said this is the first phase; each subsequent plan will require a submission of
730 a final development plan and a public meeting. The preliminary plan does require
731 buffering along there, but those areas can be discussed in the future.

732

733 Mr. Underhill said he would like to request the approval of the BZC for this application,
734 subject to the conditions discussed tonight.

735

RESOLUTION 2020.11.10 #A: APPROVE BZC 18-003 FINAL DEVELOPMENT PLAN

737

738 Mr. Flaherty made a motion to approve the final development plan for BZC 18-003,
739 including the modifications to the preliminary development plan as follows:

740

741

- Attachment E will be added.

742

- Attachment F is deleted and the pool and putting green are required.

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- 743 - An area will be set aside for the silo, with funding to be determined in the future,
744 hopefully by the builder with community support and the ability to have Berlin
745 Township's name on the silo.
746 - Parking shading of shrubs a minimum of 42" in height with 75% opacity
747 achieved within 3 growing seasons will be planted in the parking lot area of the
748 agricultural community area.
749 - The buffer along the railroad tracks will be supplemented as needed along the
750 railroad tracks and in the perimeter areas adjacent to existing homes.

751

752 Mr. Valentine seconded the motion.

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

754

755 Mr. Flaherty said he appreciated the modifications and enhancements to the plan that will
756 contribute to the rural core of the township. He said it is important to pay homage to this
757 area that has been in families for generations. He said this will be a great attribute to the
758 community and it will be a "flag-planting development" that will help put Berlin
759 Township on the map.

760

761 Mr. Underhill thanked the BZC for their comments and the constructive dialogue.

762

763 Mr. Pardi thanked the BZC for their attentiveness to this application, and he looks
764 forward to making this a very successful project.

765

766

767 **AGENDA ITEM: OTHER BUSINESS**

768

769 Public Records Training Meeting

770 Mr. Valentine said the 2020 public records meeting training is next Thursday, and he
771 asked whether it was approved for time by the trustees.

772

773 Ms. Rippel said she would ask Trustee D'Amico about it. Mr. Bardash said there are two
774 different parts and he thought the record retention section may not be as important for the
775 BZC.

776

777 Laptops

778 Mr. Flaherty said the trustees had asked whether the zoning board members needed
779 laptops that are just used for Zoom meetings. The laptops would be used for nothing
780 else. Mr. Flaherty said he advised that he thought that was a horrible use of funds at more
781 than \$1,000 each. It was clarified that the funds are coming from the CARES Act, but
782 that is still a horrible use of funds in his opinion.

783

784 Mr. Flaherty said he would rather that the funds be used to pay for a camera and mike
785 system for township hall so that township meetings can be put online for residents to
786 observe at their convenience. That would seem to be a valid use of the CARES money.

787

788 Mr. Bardash said perhaps it was a security issue. Mr. Flaherty said the laptops would be
789 for Zoom meetings and nothing else, but that doesn't make sense because Zoom has
790 made security enhancements, and he has full authority to remove anybody from a
791 meeting if necessary. He said he would rather see the dollars benefit the township at
792 large. Several people voiced agreement.

793

794 Mr. Flaherty said the system for the township hall would cost around \$2,000-4,000.

795

796 Ms. Brown asked whether the money could be donated to families in need or the funds be
797 returned. Mr. Johnson said there are restrictions for the use of the CARES Act funds. Mr.
798 Bardash and Mr. Johnson said they did not need the laptops. Mr. Bardash said that
799 perhaps the best system possible could be bought for township hall so they didn't have to
800 look back.

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801 Ms. Rippel said the trustees are also considering automatic toilets, light switches and
802 paper towel dispensers.

803

804 Fairview Cemetery

805 Ms. Rippel said that the township now has possession of Fairview Cemetery. Mr.
806 Flaherty said the township now owns the operating portion of it. The receiver kept the
807 back portion of the cemetery as a way to make their money back and recover his time and
808 expense. This was contrary to what the receiver had told Mr. Flaherty at the time when he
809 was a trustee and had appointed the receiver.

810

811 Ms. Rippel said the records are in very poor condition with some burial locations in the
812 wrong location due to bad recordkeeping. Tim Foor has been appointed as the cemetery
813 sexton. Mr. Flaherty said he there is an active group with family buried there who wants
814 to be responsive with it.

815

816 Ms. Rippel said the people who ran Fairview are in prison for tax evasion and other
817 issues.

818

819 Mr. Loveless said the zoning office has been very busy and last year's single-family total
820 for zoning permits has already been exceeded. Mr. Flaherty said 2021 will probably
821 exceed that.

822

823 Mr. Flaherty said the next scheduled regular meeting is on Tuesday 11/24/20 at 7:00 PM
824 and is the final development plan for Berlin Farms.

825

826 Mr. Flaherty said the organizational meeting will be held on December 8. Typically there
827 is not a second meeting in December but the BZC may need one on December 15, 2020
828 at 7:00 PM. He asked whether enough members would be available to have a quorum for
829 that meeting. It was confirmed that there should be.

830

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

832 Motion to adjourn. Meeting adjourned.

833

834

835

836

Steve Flaherty, Chairperson

837

838

839

Jerry Valentine, Vice-Chairperson

840

841

842

Darcy Kaplan, member

843

844

845

Mike Bardash, member

846

847

848

Martin Johnson, member

849

850

851

Christina Littleton, 1st alternate member

852

853

854

Angela Brown, 2nd alternate member

855

856

857 Attest: _____

858 Lisa F. Knapp, Berlin Township Zoning Clerk