

Chester Township Zoning Commission Meeting Minutes

| Monday, June 13, 2022 6:00 PM |

Special Meeting

Meeting Called to Order by Mr. Oswick at: 6:06 pm

Roll Call

Members present: Mr. Chess, Mr. Nastasi, Mr. Oswick, Mr. Peto*

Members absent: Mr. Kats, Mr. Lauro

Admin present: Ms. McCarthy

*Mr. Peto served as alternate for Mr. Lauro

Also present: Mr. Alan Weinstein (on phone) and Ms. Lorrie Benza, attorney

Pledge of Allegiance

Mr. Oswick led the Committee in reciting the Pledge of Allegiance.

Zoning Commission Comments/Questions

Mr. Oswick welcomed group and Mr. Nastasi continued with request to Zoning Commission (ZC) members to continue on homework list.

- EMS – Services in general. Mr. Nastasi would take this on.
- Mr. Chess – offered to take on water and related water concerns.
- Mr. Oswick – Drain on services; water and sewer and location of proposed structure.
- Mr. Peto – Where is the benefit to the Township and what is the impact? Feels studies should come from Congregate Care presenters. Would like to see evidence that all of these will be addressed.
- Mr. Chess agreed with Mr. Peto.
- Lorrie Benza spoke to the conditional use of the amendment and that use is determined by the Board of Zoning Appeals (BZA). If use is not allowed or the use I want is permitted, but there is a hardship – that is called a variance. In this case, a conditional use is asked for. The ZC may not grant these, the Zoning Inspector (ZI) may not approve these. That person has to go in front of the BZA. First thing they must do is establish that all the conditions listed in the Zoning Resolution (ZR) have been met. Those conditions are called conditions precedent. Then there is a BZA hearing. The BZA may even place additional conditions and those are called, conditions subsequent.
- Mr. Chess asked about timeline – referring to Public Hearing on July 6, 2022.
- Ms. Benza detailed the timeline of a proposed amendment and how it proceeds through the process. This proposed amendment has been presented as a conditional use. The BZA may approve/disapprove the request based on request to use as a conditional use.
- Mr. Nastasi asked what those conditions are. Are there alternatives – ie Overlay districts? Ms. Benza, yes, and you may want to work with your planner.
 - May we put on conditions such as requesting traffic study; water report? Yes.
 - Do we want to talk about limitations on property and/or conditional property uses?
- Mr. Oswick asked about drug rehab concerns we've been hearing.
- Ms. Benza suggested waiting for Geauga County Planning Commission (GCPC) report of tomorrow morning, June 14, 2022.
- Mr. Peto – the term congregate care seems quite vague.

Chester Township Zoning Commission Meeting Minutes

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- Ms. Benza – anxious to see response from GCPC report. If GCPC recommends denial, the ZC does not have to listen to that report. Your public hearing will give you a lot of information to help form your opinion.
- Mr. Nastasi – Felt the list of conditions is rather vague. (Only 12 conditions). Also concerned about changing of definitions.
- Mr. Peto – What about revenue generated? Is the impact of township services justified by the revenue generated by the facility? Is the facility tax exempt?
- Ms. Benza – It may be tax exempt, but there is a payment program, Payment in Lieu of Taxes (PILT).
- Mr. Nastasi asked about Impact Fees. Mr. Weinstein said this does not apply in Townships.
- Mr. Nastasi asked again about PILT program. Reemphasized importance of looking at conditions. More questions about Buffer Zones, setbacks and ground coverage, parking/lot coverage.

Opened up for Public Comments

- How are schools zoned? Answer – schools are conditional use in residential district.
- What are conditions of ZC board recommending denial? Ms. Benza said, cannot answer that because there is a process we need to follow.
- Cathy – question is still that a single property owner wrote the rules – Not the ZC, not the Board of Trustees. Conditions do not sound right. You should deny. If this were a ZC amendment, the Planning Commission would make suggestions.
- Janet – Survey that was done suggests people like the Township the way it was done.
- Nancy – People in nursing home take more medications. What goes into them will probably go through them and into the water system.
- Tony – If you pass this, you have to look at what happens if it passes. We don't want this to pass. We don't want city water.
- Diane – There will be things in this skilled nursing facility that Chesterland cannot fulfill. ie-Staffing, dietary assistants.
- Paula – Demands on Police and EMS services immense. Examples nationwide where services were called because of low staffing at these facilities.
- Carol – What does the EPA say about this project?
- Kelly – How many calls to EMS when transportation not available?
- Anonymous – How many of beds guaranteed for Chester residents? What is the benefit to Chester residents?
- Anonymous – Fire Chief this morning said filling open staffing positions is difficult.
- Cathy – Addressing the ZC board, what are results of your research?
- Ms. Benza reemphasized importance of Public Hearing. The ZC still has not heard from the Public Hearing?
- Mr. Nastasi – We are still gathering information. This was presented to us. We are identifying some holes. If this isn't what we like, do we have the right to just say deny?
- Mr. Nastasi – We haven't done any research to this point. The last recommendation was for legal guidance which we have gotten underway so we may respond appropriately. There's been some preliminary work on this as far as the Trustees are concerned in pulling some numbers for EMT, EMS and other things like that.

Chester Township Zoning Commission Meeting Minutes

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This was presented to us. We are identifying some potential holes in it if it were to go through. Is there a mechanism for us to say, this isn't what we like and we're just going to deny it. That would be through the Public hearing process.

Meeting Called to Close at: 6:58 pm by Mr. Oswick.

Approved by:

Chester Township Zoning Commission August 3, 2022

Final Review by: _____
Jon Oswick, Chair