

The Chester Township Board of Trustees met in special joint session **Wednesday, March 1, 2023** in the Eykyn Room of the West Geauga Pubic Library at 7:00 P.M. Chairman Craig Richter presided.

Roll Call for Board of Trustees:

Present: Trustee Richter, Trustee Mazzurco, Trustee Radtke
Absent: Fiscal Officer Jarrett

Roll Call for Zoning Commission:

Present: Mr. Oswick, Mr. Nastasi, Mr. Chess, Mr. Lauro, Mr. Kats and Mr. Peto
Admin present – Ms. McCarthy

Roll Call for Board of Zoning Appeals:

Present: Mr. Ziganti, Ms. Sritalapat, Ms. Muehling and Ms. Klemm
Absent: Ms. Fadorsen

Pledge of Allegiance to the Flag

The Board led the audience in reciting the Pledge of Allegiance to the Flag.

Trustee Richter began with summarizing the purpose of the meeting and noted there are five (5) topics under consideration for possible future work in the Zoning Resolution. Trustee Richter reiterated that Trustee Radtke stated previously if it is not in the Zoning Resolution it is not a permitted use. The five items for consideration are as follows: Signage, swimming pool covers, nursing homes as a prohibited use, cluster homes and possible addition of Passive and Active Park Districts.

Mr. Oswick, Zoning Commissioner Chairman added the board is seeking thoughts, comments and opinions from both Boards and recommended beginning with the Board of Zoning Appeals.

Mr. Ziganti, Board of Zoning Appeals Chairman explained the Zoning Resolution to the audience and how it relates to the Board of Zoning Appeals. He shared the Zoning Inspector's role as well.

Mr. Oswick asked for specific items from the Board of Zoning Appeals that may need to be addressed through the Zoning Resolution and/or in need of review and possible change.

Ms. Klemm shared signage is something that the Board of Zoning Appeals has discussed and cluster homes will be discussed in the near future. Congregate Care is not a current issue. She is not aware of the swimming pool covers and is unclear with what is going on regarding parks.

Mr. Oswick added they are specifically looking at the five (5) items previously mentioned and any other items brought up may be addressed in the future.

Ms. Muehling discussed swimming pool information from 2015 Zoning Commission work. She added now you open the door from your home and there is the pool and it is covered. In 2015 they were only discussing separate covers to prevent a child from falling in. Trustee Richter said safety is important and today pool covers are much safer than they were years ago. He addressed the issue if a fence is needed

around a pool. State law may require a four (4) foot fence around an inground pool and an above ground pool taller than four (4) feet may not require a fence around it. Mr. Purchase, Township Administrator/Zoning Inspector added the Township gets about a dozen questions in a six (6) month period on this topic and noted residents generally do not want to put a fence up around the pool, yet do want the pool cover. Hot tubs and jacuzzies may need clarification. Issue of considering ponds was also mentioned. A question was asked if insurance companies weigh in on this topic. Mr. Kats added if it's the law, it's the law and it is as simple as that.

Mr. Ziganti requested the definitions section be updated using the examples of pools and hot tubs. He would like to see a definition of a lean-to. Mr. Ziganti would like a clear idea how items are to be looked at. Trustee Radtke then clarified that swimming pools are in the definitions.

Ms. Sritalapat addressed several signage concerns as listed on the Priority Matrix. (Attachment A to these minutes).

Mr. Nastasi added the Zoning Commission did ask the three (3) Boards to be present to discuss the importance and priority of signage. He shared the Priority Matrix is out dated and the Zoning Commission has been waiting for the Geauga County Planning Commission to update the signage section. The update took place about six (6) months ago. The current plan is for the Zoning Commission to compare the Chester Township Zoning Resolution to the Geauga County Planning Commission Model Zoning section of signage and see what work needs to be done.

Ms. Muehling offered a word of caution on signage. She said when the Supreme Court makes a decision it is a very broad decision. She reminded everyone to read and proceed with caution.

Mr. Ziganti voiced concern about regulating content of signs regarding agricultural.

Ms. Muehling commented on electronic signs and said they can be done as a conditional use. It is something to consider and could be added to what currently exists. She noted for the audience that there is a difference between a regulation use and conditional use.

Mr. Nastasi mentioned that the desire of the Zoning Committee is to balance the needs and wants of the business community and making it desirable for the Township.

Ms. Muehling said to never sacrifice health and safety for convenience and cost.

Mr. Ziganti said the Board of Zoning Appeals has been very concerned about cluster homes and congregate care. He asked for an up-to-date Priority Matrix.

Mr. Oswick reiterated the five (5) topics. He confirmed signage has been the main focus of the Zoning Commission. He noted the Parks District is not on the Township map currently and asked if it should be addressed. Swimming pool covers have been brought to the Board's attention. Cluster homes and congregate care is a general topic for discussion. The physical location of Chester Township has become a hotbed for developers. We, as in the Township, are not truly prepared for that situation to happen. The Board enjoys taking on tasks and moving forward. Mr. Oswick is asking what topics the Board of Trustees would like addressed moving forward.

Trustee Richter said that some guidance was given. It was asked that the Zoning Commission first put something together on signage and have it reviewed by an outside authority. Mr. Oswick said he would like to involve the public on decision making.

Mr. Chess is concerned about these pressing issues and feels they need to be addressed quickly. We do not have time to kick the can down the road. We need professional-hired assistance to help make these items happen in a timely fashion. He said we have to spend money in order to make progress.

Mr. Kats reminded everyone that the purpose of the meeting is to determine the priority of the work for the Zoning Commission. The Zoning Commission does not want to invest time working on an issue only to find out that it is not what the Board of Trustees wanted.

Trustee Richter voiced his concern about electronic signs and said had that been in place a year ago, certain businesses would have been unable to put up large, illuminated signs. Mr. Oswick agreed.

Trustee Radtke clarified once again that if something is listed as a prohibited use, then it is a prohibited use. Clarifying this language may be something that could be done rather quickly regarding nursing homes.

Ms. Muehling reinforced if the item is not listed as permitted in the Zoning Resolution, it is not permitted period. Nursing homes are not listed; therefore, they again are not permitted. Congregate care homes do not exist in the Ohio Revised Code. Nursing homes do exist in the Ohio Revised Code and are finely defined. Cluster residential is meant to be density neutral. This means you may change the size of the lot, but you are not supposed to have more people living on the lot than necessary. You also must have infrastructure to support it. In a township, that means wells and septs. No one can force sewers on us. The 208 district exists in Chester Township. No sewers may be approved without the express approval of the Board of Trustees. The memorandum has existed for years. It may have been side-stepped once.

Mr. Enzo Perfetto, a home builder brought up that sewers can be mandated, but that is mostly done by the EPA with or without having funds available. He asked if the Township receives any federal funding. The Board of Trustees confirmed that some funds have been received from the CARES Act. Mr. Perfetto agreed with the Zoning Commission Board and feels the federal government is going to be mandating affordable housing throughout the U.S. Ohio is a prime target since the state is underbuilt. He suggested being proactive vs. reactive and recommends planning ahead. He suggested conservation zoning – the same amount of units, but they are clustered. This results in less roadway, less maintenance for the township and trees are preserved. He stated looking at this now may be an advantage rather than waiting until later when it is forced on us. It may not be as appealing later down the road. This could attract an elder resident with no abatements and no children in the school system which results in no additional strain on school resources. If the builder puts in a full-length road, the cost of materials would be passed along to the home buyer making the cost of the home more prohibitive. If the cost of the road could be lowered, the savings would be passed on to the buyer. That is a win-win for everybody. This type of home would be most attractive to empty nesters and retirees.

The Biden administration is coming down heavy regarding not equal housing, but equity housing. They want this throughout America and they are targeting the suburbs. Mr. Perfetto agreed with the Zoning Commission that this indeed needs to be addressed now through the Zoning Resolution.

Discussion continued about concerns of some residents regarding zoning and our Township.

Trustee Radtke will be reaching out to Shelia Salem, our Prosecutor to determine the best way to prohibit nursing homes in Chester Township. He will send that out to everybody. The Zoning Commission could then write that type of language, review it with the gentleman from Cleveland State and ask his opinion on the language.

Discussion continued regarding the aquifer in the center of the Township. Prior dry cleaner and gas stations have permanently damaged the aquifer.

Trustee Richter spoke about Parks. The Township has county parks in addition to our own parks. However, there is no definition of parks in our Zoning Resolution.

Mr. Oswick brought up that none of the land the Township owns is designated as park land. General group discussion continued.

Trustee Radtke thanked the Board's for coming and participating in the joint meeting and encouraged those in the audience to attend future meetings of any of the Boards to have their input considered.

A resident did voice concern about the brightness of the one sign in Chester Township. It was stated that we need to keep in mind it is a sign that falls under agricultural. The same requirements do not apply when it is agricultural.

The Board of Trustees closed their meeting at 8:28 P.M.

The Board of Zoning Appeals officially closed at 8:28 P.M.

ADJOURNMENT:

There being no further business before the Board, Mr. Richter adjourned the meeting at 8:28 P.M.

Respectfully submitted,

absent _____

Patricia Jarrett, Fiscal Officer

November 16, 2023 – motion # 2023-437

Approval Date

Craig Richter, Chairman

Joseph C. Mazzurco, Vice-Chairman

Ken Radtke, Jr., Trustee

PRIORITY LIST SORTED BY PRIORITY RANKING: as modified 03/017/2021

GREEN HIGHLIGHTS SHOWS ITEMS WITH DRAFT AMENDMENT PREPARED OR IN PROCESS

PRIORITY RANK

PRIORITY RANK	Importance Ranking:	10		9		8		5		4		8		TOTAL PRIORITY RANKING SCORE
	PRIORITY RANKING for POTENTIAL ZC AMENDMENT WORK	Q1. Is it likely that current zoning exceeds the authority allowed by law or case law?		Q2. Is the current zoning 1) unclear; or 2) is there a conflict within the resolution; or 3) is an ORC requirement missing from the resolution?		Q3. Are there frequent BZA variance requests or are numerous zoning certificates denied for this subject?		Q4. If this subject is already regulated <u>and</u> enforced by another government agency, can it be deleted from the resolution?		Q5. Would it be quick and easy to prepare an amendment? ⁽¹⁾		Q6. Does the current zoning or subject matter impact a large number of properties?		
	Proposed resolution review item requested:	y/n/m	score	y/n/m	score	y/n/m	score	y/n/m	score	y/n/m	score	y/n/m	score	
1	Agritourism	Y	50	Y	45	n	0	n	0	m	8	n	0	103
2	Sign regulations in accordance with US Supreme Court case Reed Gilbert	y	50	n	0	n	0	n	0	n	0	y	40	90
3	Review accessory building square foot calcuations as applied to overhangs and lean-to attachments	n	0	y	45	m	16	n	0	m	8	m	16	85
4	Review all commercial permitted uses	m	20	y	45	n	0	n	0	n	0	m	16	81
5	Size and location of accessory buildings in residential districts	n	0	n	0	y	40	n	0	n	0	y	40	80
6	Portable signs (includes painted on vehicles) are prohibited	y	50	n	0	n	0	n	0	m	8	m	16	74
7	conditional uses as referred in 9.05.0(A)(5)	n	0	y	45	n	0	n	0	y	20	n	0	65
8	Definition of "front lot line" for corner lots left up to property owner	n	0	y	45	n	0	n	0	n	0	m	16	61
9	Home occupations	n	0	m	18	n	0	n	0	n	0	y	40	58
10	Conflict between allowing all signs in I district to be illuminated with general requirements	n	0	y	45	n	0	n	0	m	8	n	0	53
11	Review clarity of rules for retractable awnings	n	0	y	45	n	0	n	0	m	8	n	0	53
12	Request for prominent address markers in commercial district	n	0	n	0	n	0	n	0	m	8	y	40	48
13	animated signs, flags and message flags	n	0	y	45	n	0	n	0	n	0	n	0	45
14	Request for assisted living as a permitted use	n	0	n	0	n	0	n	0	n	0	y	40	40
15	Review practicality of sign set-back from road right-of-way location	n	0	n	0	n	0	n	0	n	0	y	40	40
16	Delete fiscal plan requirement for memorial park conditional use	m	20	n	0	n	0	m	10	m	8	n	0	38
17	Telecommunications Tower	m	20	m	18	n	0	n	0	n	0	n	0	38
18	Delete five year term for conditional uses	n	0	n	0	n	0	n	0	y	20	n	0	20
19	Delete Outdoor Hydronic Heater as conditional use in R district	n	0	n	0	n	0	m	10	m	8	n	0	18
20	Allow BZA to require 'screening' as condition of granting variance	n	0	n	0	n	0	n	0	n	0	m	16	16
21	Electronic reader board	n	0	n	0	n	0	n	0	n	0	m	16	16
22	Request for cluster-home higher density residential	n	0	n	0	n	0	n	0	n	0	m	16	16
23	Allow 32 sq foot 'for hire' signs in industrial district	n	0	n	0	n	0	n	0	m	8	n	0	8
24	Parking Space Requirements													0
25	Alternative Energy - Solar Panels/Wind Turbines													
26	Foster homes													
27	Licensed Residential Facilities													
28	Schools As Conditional Use in Residential Districts													
29	Accessory Buildings - size	y	50	y	45	y	40	n	0	n	0	y	40	175
30	Awnings													
31	InLaw Suites													
38	Day care establishments in churches in residential districts													
39	Area, Yard and Height regulations in section 5.02.03 vs. O.R.C 519.02													

Footnotes:

(1) Minimal research, low controversial topic, minimal modifications to resolution

Procedure:

1. Answer the questions for each review item as yes(y); no (no); or maybe (m).
2. Calculate the score as follows: Multiply the importance ranking by ---5 points for yes; 0 points for no; and 2 points for maybe.
3. Sum all the scores across each row for each review item. The higher the score, the higher the priority.