

**Zoning Commission Meeting
March 16, 2021
ZC-02-20**

Members/Attendance: N/A Gene McCullough
 X Frank Mazzocca
 X Frank Prusak
 X Bill Gardner
 X Paul Sherman
 X David Long

Also in attendance: X Bob Monus, Zoning Inspector
 X Michele Richards, Recording Secretary

Paul Sherman called the meeting to order at 6:00 p.m.

1st Order of Business:

Frank Mazzocca motioned to approve the minutes of February 17, 2021. Bill Gardner seconded the motion.

Members in agreement: X Frank Mazzocca
 X Bill Gardner
 X Frank Prusak
 X David Long
 X Paul Sherman

Motion carried.

2nd Order of Business:

Case ZC-02-20 – This is a request from the developer to make modification(s) to the Residential-Planned Unit Development (R-P.U.D.) plan, which was previously approved by the Zoning Commission on November 4, 2020, and final approval was given by the Board of Trustees on December 9, 2020.

The parcel description is number 39-011-0-001.00-0, known as Great Lot 24, located in Mahoning County, Poland Township, Struthers, Ohio, The Developer is Ron Anderson of Universal Development; however, his son Brian will be attending this meeting to address the Board and all parties that wish to participate in discussion.

This condo development is the same plan that was previously approved, however, the developer has run into a problem which affects the buffering of a few of the lots, therefore, a public meeting must be held when there are any modifications that need made to the approved plan.

**Brian Anderson
1607 Motor Inn Drive
Girard, Ohio**

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Brian Anderson is the son of the developer, Ron Anderson.

Brian Anderson provided drawings with minor modifications of the previously approved plan to the Board. These modifications consist of grading issues, concerns of storm water issues, and also handicap accessible issues. The first thing they did was along the southern boundary (the Clingan Road side) where they relocated the buildings to the north away from Clingan Road. Some of the buildings moved as much as ten feet. This increased the setback of the buildings off of the property line. They were moved slightly closer to the street to make room in the rear to make the grade work for the sidewalks and patios.

The biggest change to the plan was moving the buildings away from the property line. At the previous meeting they discussed a 25 foot buffer around the perimeter of the property and an additional 50 feet along the southern border. They could not come up with a plan that reflected this. This was the primary reason to come today since they are not able to accomplish maintaining 75 feet along the southern border of a natural buffer, untouched. In order to accomplish what is on the plan, they are changing the buffer to two different setbacks, 35 feet and 45 feet along the southern boundary. It will be 35 feet behind the first two condo buildings and 45 feet behind the remaining four buildings on the right, which will leave 45 feet of trees.

Brian referred to a photo he took that shows a difference of the quality of the woods from 35 feet and 70 feet from the property line looking back to the south at the residences along Clingan Road. On the east side of the project, they deleted one building so the project will have two less residences. This was to create a storm water quality and detention pond. The clearing limits along Clingan Trails previously were approved at 25 feet; this is being increased to 35 feet, and in some cases 80 feet, because some buildings moved to a more interior area of the site.

In summary, the biggest change is a change in the buffer along the Clingan Road side of the project from 70 feet to 35 and 40 feet of undisturbed natural buffer.

Paul Sherman asked if there is allocation for guest parking other than the turnaround at the end of the drives. Anderson replied the turnaround at end of drive and the space outside of the garage door of the individual unit.

Paul Sherman asked if there were questions from the audience.

Dan Glozier
Clingan Crossing Condo Association

Glozier asked what the buffer will be on the back property (the four units) of Clingan Crossing, if it would be 35 feet. Anderson replied it would be much more.

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Mike Gallagher
5329 Clingan Trails Blvd.

Gallagher asked how much room will be from the end of his property to the buffer. Anderson replied 35 to 50 feet from the property line.

Mike Melia
5571 Clingan Road

Melia asked for clarification of 45 feet (according to the red line on the plan). Anderson said yes, and the building moved away from him 9 feet.

Gary Angelo
5335 Clingan Trails Blvd.

Angelo stated that the setback for his property on the last drawing was 50 feet. Anderson stated at the last meeting the drawing did not state 50, it was 25. Angelo asked about the pine trees (as a barrier), and would they be placed every 16 feet. Anderson stated they will be 7 feet tall and planted every 16 feet. The trees will be planted at the top of the hill. Angelo is concerned about privacy.

Michele Melia
5571 Clingan Road

Melia asked a question about the 150' buffer shown on the map. She asked why the road could not be 90 degrees and more of a slope. Anderson stated it would not work out with the grading. She asked how steep the hill will be in her backyard. Anderson stated 7 feet. She stated that means the foundation will be 7 feet above their pool. She is concerned of the property looking into her pool, but Anderson explained they are 90 feet away.

Ed Jeffries
3609 Hunters Hill

Jeffries asked what the drop is from the elevation of the units to the swale. Anderson stated the site is graded and everything from the pine trees into the site will go towards the project. Jeffries stated right now there is a river of water running between the homes on Clingan Road.

Linda Penney
5645 Clingan Road #18-C

Penny asked about the blue line around property. Anderson stated blue line is property line; red line is what was staked today. Penny asked if everything up to that line will be cleared. Anderson stated wherever the stakes are it will be cleared. He stated he did not see where the stakes landed. She asked if he would consider a buffer to replace what is being taken away. He stated he cannot replace what is being taken away, but could probably do something.

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John Kerpelis
5325 Clingan Trails Blvd.

Kerpelis asked what the proposed timeline will be for construction. Anderson stated approximately 24 months.

Richard Simerlink
5327 Clingan Trails Blvd.

Simerlink asked about the type of trees that will be planted. Anderson stated they planned on Norway Spruce or a combination of arborvitae. He referred to map and stated he is concerned about water running behind his backyard.

Bonnie Goricki
5557 Clingan Road

Goricki asked what will happen to the wildlife and why are they going to destroy people's privacy. Paul Sherman stated that people that own property have the right to develop it. The property next to you or to anyone has no assurance that someone will cut down trees on a neighboring lot, or trees that you admire. He explained that we must stick to zoning issues on this matter. He stated this question and answer procedure is a new precedence for the township residents to voice their opinion.

Brian Anderson stated this as a single family subdivision is already approved. It was laid out for 30 additional lots. They had it approved 15 years ago and it was always going to be developed.

Theresa Kerpelis
5325 Clingan Trails Blvd.

Kerpelis asked about the safety gate and if it will be locked. Anderson stated yes, it is for the fire department and will be locked.

Victoria Demyan
5368 Clingan Trails Blvd.

Demyan is concerned about headlights. Anderson said he could put an island of pine trees in the yard to block the headlights.

Comments from the Board:

Paul Sherman stated to Anderson that the Board had concerns about water and expressed these to his father at subsequent earlier meetings. Sherman said to Anderson that his father assured us that you would be reaching out to people in the audience that expressed concerns that they were already having without this development even breaking ground. He asked how many people they have reached out to and talked to. Anderson stated they have been in communication with

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anyone that has had a problem the past few years. He stated the biggest resolution will be developing the 13 acres behind everybody. Paul Sherman asked if the natural topography of the undeveloped land is funneling water in the backyards. Anderson stated yes. Sherman asked if anything has been done yet. Anderson stated no.

Sherman stated the number one concern of the Board and the Township is to assure there is proper water retention in the development. That is the purpose of the storm water retention performance bond posted for this project, as well as every project in the township.

Paul Sherman stated that participants in the audience can now voice their opinion about the project. A time limit of three minutes per person will be imposed.

John Hladiuk
5645 Clingan Road #17-C

Hladiuk stated he is for the project, it is a good thing. However, he feels when a promise is made it should be held. He stated he was promised that the woods would be there. He paid an extra \$3,500 for this purpose. He does not feel it was fair for the people from Clingan Crossing to impose this extra cost. Paul Sherman asked if he knew where the property from the condo association that you were buying into ended; and if he knew who owned the property behind him. Hladiuk stated he knew who owned the property behind him and the realtor and condo association said the woods would be there. He said he was guaranteed that the neighboring property would not be disturbed.

Linda Penny
5645 Clingan Road #18-C

Penny stated she agrees with previous speaker and she also would like to have some replacement trees to replace what is being taken away.

Mike Melia
5571 Clingan Road

Melia stated he has an issue with his property line due to the recent property survey. Sherman asked that Anderson follow up with the surveyors for this issue. Melia also stated he is not in favor of cramming 30 units in 14 acres. Sherman stated in response to this that based on the township and county standards, a variance is not required for density.

Ruth O'Neil
5645 Clingan Road #17-A

O'Neil is concerned about the entrance being narrow for the safety of people walking with the number of cars expected to be coming in and out of the property. She referenced Ohio Administrative Code 37451507, which addresses air pollution, and is concerned about shale,

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stones, and dirt in the environment during construction. She stated she could contact the Ohio EPA and have the project stopped.

Ed Jeffries
3609 Hunters Hill

Jeffries stated the buffer is as wide as the room that we are in. He does not believe that there will be a 75 foot buffer, it was not going to be untouched land, and it was going to be cleared anyway. He stated he wanted to applaud Brian Anderson for moving the arborvitae to give more privacy to the people. He is certain there will be water problems and feels there should be a retention pond where property number 23 or 24 is located. It will also solve the existing water problems. Bill Gardner asked Ed Jeffries if he lives in Hunters Hill. Jeffries stated yes. Gardner asked what his interest is in the project. Jeffries stated he is speaking for her (pointed to a member of the audience, Bonnie Goricki) and she is a little shy.

Paul Sherman asked if anyone else in the audience would like to speak. No one responds. Paul Sherman asked if there were any comments from the Board. There were no comments. Paul Sherman asked the Board if anyone would like to make a motion. There was no motion. Paul Sherman stated that this issue will be tabled for another meeting.

Meeting adjourned at 7:30 p.m.

Submitted by:

Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (6)
Paul Canter, Fiscal Officer (1)
File (1)