

Richfield Township Zoning Commission
February 8, 2018

The regular meeting was opened at 6:31 p.m. on February 8, 2018 with the following in attendance:

Patti Dorsett
John Paulett
Chris Sivak
Mark Totten

Amy Page, Zoning Inspector
Jim Koewler, President JEDD Board
5 residents were in attendance

Ms. Dorsett opened the public hearing on the proposed zoning text amendment at 6:32 p.m.

Don Faulhaber 5145 Hecker Drive asked if any changes had been made between the January public hearing and today Ms. Dorsett said no changes have been made. Ms. Dorsett stated the proposed Richfield Township zoning text amendment will be on the February 22, 2018 Summit County Planning agenda.

Jim Vocaire 5144 Hecker Drive said he is concerned about the inconsistencies in the setback requirements and the buffer wall. Mr. Vocaire said he feels this was pushed by the Trustees and the JEDD Board. Mr. Vocaire stated that with the setback requirements being different in different places the property owner can do whatever he wants to do. Mr. Vocaire said he his property value will drop by twenty- five to thirty percent and the property owner is going to turn the area into a moon scape. Mr. Vocaire said the way the changes have been written the homeowners would have no legal recourse and the property owner could look at the changes and say I want this setback or that setback and could pretty much pick what he wants.

Mr. Totten asked Mr. Vocaire where he got the figures that his property value would drop by twenty- five to thirty percent. Mr. Totten asked if those figures were from a realtor. Mr. Vocaire stated that he works around the trades and that twenty- five to thirty percent is not an exact figure but once the property is developed there he could come up with a price and the value and a realtor would say that no one wants to live there because of the noise and odor. Mr. Totten stated that the twenty-five to thirty percent is just an estimate from Mr. Vocaire.

Glyn Grand 2837 Columbia Road stated that he dropped off a memory stick the previous day with the Township Administrator Mindy Remec. Ms. Page gave Ms. Dorsett the memory stick. Ms. Page said that she has attempted to send the information Mr. Grand has on the memory stick to the Zoning Commission members via email however the files are rather large and she is not certain all the information was sent. Mr. Grand stated that the memory stick contains a lot of factual information from the department of transportation and OSHA. Mr. Grand stated he also provided a GIS map he created based on information he got from the department of transportation and OSHA. Mr. Grand stated he took information about the decibels from the

equipment that is used in on the property including what is used at Fed Ex now such as tractor trailer rigs and dump trucks and that comes in at about eighty to eighty-four decibels under thirty-five miles per hour so that would mean start up and idling and driving at thirty-five miles per hour not including acceleration that would come in about one hundred fourteen decibels. Mr. Grand stated what he has done is taken the eighty-four decibels and one hundred fourteen decibels and on the map created calculations and gave the URL for the calculation site he used. Mr. Grand stated all the mitigating and attenuating factors for sound and vibration have been reduced or taken away and if you allow activity outside of the building you are taking away the mitigation of the building and if you reduce the setback for a specific use from five hundred feet to one hundred feet you reduce the mitigating factor of distance and if you allow for gaps in the wall you basically eliminate the mitigating factor of the wall. Mr. Grand stated that a good example of that is Motorplex proposal had fifty foot gaps and fifty foot of wall there was half wall there and fifty foot not there and when you put in a wall like that it is going to mean nothing. Mr. Grand stated that there are no mitigating factors and no attenuation. Mr. Grand stated that based on the information from the federal government and based on his calculations that on the south side of the property line of the LI-O and on the east side of property line of the LI-O where he lives what the decibel levels, based on his calculations would fail.

Ms. Dorsett asked if Mr. Grand was speaking about Fed Ex at this time.

Mr. Grand stated that Fed Ex is actually far enough away from him to be within spec. but the distance from them to the two or three properties to the north of them they are actually out of spec. for what they are supposed to do over there and no one lives there so no one has complained. Mr. Grand stated that what Fed ex does do and he does not want to see is a transfer terminal and they are supposed to be allowed under permitted use but gate slamming, coupling, bay doors slamming. Mr. Grand stated to be fair he mentioned this during a Trustees meeting and Trustee Luther said he would look into it and it did get better for a while but they hire a new person up there and they are not exactly rocket scientists up there working so they are slamming doors and they do not care what it does to us and I get woken up at three o'clock in the morning. Mr. Grand stated that the property owner would love to put the same equipment up there and run it all night and that is what he would have to deal with. Mr. Grand asked do we want to know as the place that cares the least about its residents.

Ms. Dorsett said the zoning commission members will take a look at the files on the memory stick and asked if Mr. Grand's concerns centered on sound from the LI-O district. Mr. Grand stated his concerns centered on not only sound but security as well.

Mr. Grand stated that the property owner has raised the topography by twenty-five to thirty feet so now if they do put up a wall it will not block anything from his back window. Mr. Grand stated he did not include a photograph with his information but he could email one to Ms. Page.

Mr. Totten asked if the noise followed by vibration is Mr. Grand's main concerns. Mr. Grand stated yes those are his main concerns because he can hear noise and feel vibrations from within his house and it wakes him up in the middle of the night.

Mr. Totten asked Mr. Grand who prepared the acoustic attenuation for him. Mr. Grand stated he did the study himself. Mr. Grand said he provided the resource he used to prove it came from reliable government sources. Mr. Totten asked if any study by an accredited agency has been done. Mr. Grand stated that all the information he provided is from online resources where you can check the decibel level from point A to point B. Mr. Totten stated the information had been extrapolated by Mr. Grand. Mr. Grand stated that he used online resources to check decibel levels which he felt was more than anyone from the township had done.

Ed Pepera 2617 Columbia Road asked that the zoning commission members to document the work they have done on the zoning amendment by putting their vote in writing with an explanation. Mr. Pepera asked the zoning commission to remember the time table as provide in the Ohio Revised code. Mr. Pepera stated that the zoning commission has thirty days after the close of the public hearing and encouraged the zoning commission to take time to deliberate.

Don Faulhaber 5145 Hecker Drive stated that he would not repeat the same information he gave at the last public hearing but he felt some of what he said was not reflected in the minutes. Mr. Faulhaber added to an earlier statement about property values. Mr. Faulhaber stated that he may not loose twenty-five to thirty percent but why should he loose even one percent of his home value and the purpose of the zoning is to protect residents from a loss of property value if the LI-O is developed. Mr. Faulhaber stated he is not against development he just wants to be separated as much as possible from it and not have anything contaminate his water table.

Mr. Totten stated that he feels any loss of property value to the homes near the LI-O district is inappropriate and wrong. Mr. Totten stated that is the sound levels are as dramatic as stated earlier than a study should be conducted.

Ms. Dorsett asked Mr. Koewler where the recommendations for the proposed zoning text amendment came from. Mr. Koewler stated that it came from a study conducted by a committee of JEDD board members. Mr. Koewler stated that the committee looked at the zoning of other townships in Summit County and made recommendations to change the Richfield Township to be more in line with other Townships

Mr. Totten asked what would happen if the JEDD dissolved. Mr. Koewler stated that if all members of the JEDD agreed to dissolve the JEDD agreement the property owner could annex the property into the Village.

Mr. Grand stated that he had heard that Summit County Planning would not allow the JEDD property owner to annex into the Village to avoid the Township zoning regulations. Mr. Koewler stated that the Summit County Planning Commission would not have jurisdiction on annexation.

Mr. Vocaire asked how many members of the JEDD board would need to be in agreement to dissolve the JEDD agreement Mr. Koewler stated that the JEDD Board has 5 members however the JEDD Board does not make the decision to dissolve the parties to the JEDD would make that decision.

Mr. Faulhaber asked if the concerns of the residents had been relayed to the members of the JEDD board and if any modification to the proposed text amendment had been suggested. Mr. Paulette stated that the Zoning Commission was asked by the Trustees to make the zoning text more business friendly.

Ms. Dorsett closed the public hearing portion of the meeting at 7:31p.m.

After a brief discussion the Zoning Commission members decided to wait for Summit County Planning Commission to render a decision before proceeding.

Ms. Page announced that the Richfield Township Zoning Commission and The Richfield Township Trustees will hold a joint work session at the conclusion of the March 1, 2018 Trustess meeting.

Mr. Totten made a motion and was seconded by Mr. Sivak to approve the January 10, 2018 meeting minutes. The motion passed unanimously.

Mr. Sivak made a motion and was seconded by Mr. Paulette to adjourn. The motion passed unanimously. Meeting adjourned at 7:46 p.m.

Chairperson _____ Secretary _____