

Westfield Township Trustees

Regular Meeting
September 6, 2012 7:00pm

Trustee Harris opened the meeting by asking those in attendance to stand and Pledge Allegiance to the Flag.

Trustees present: Ronald Oiler, Gary Harris and James Likley.

Also in attendance were: (See attached sign in sheet)

WELCOME GUESTS

FIRE DEPARTMENT REPORT

Jim Likley reporting:

- ✓ Trustee Likley stated that all of the trustees should have received the notes from the chief regarding the new extraction tool that the department purchased. This tool has been installed on the first responder truck and is now in service.
- ✓ There were 38 calls for the month. 29 of those calls were squad calls, 7 were fire and 2 were motor vehicle.
- ✓ Trustee Harris stated that he spoke with Mayor Dean regarding Gloria Glens upcoming contract negotiations. The Mayor said that the council wanted to take the "wait and see" approach to see who could give them the best deal. He also said that they do not want to be a part of the fire district at this time. The Mayor told Trustee Harris that he has no vote and that anyone wanting to speak to the Council about their contract should contact Pat Kennedy who is a Councilman and is in charge of health and safety. Trustee Likley asked when their meetings were. Trustee Harris stated that the meetings were on the first Wednesday of each month. Trustee Likley stated that he would contact Mr. Kennedy. He then asked Fiscal Officer Evans to provide him with what the Glens new contract would cost them if the fire district would pass.

Cemetery and Park

Trustee Oiler stated that he had nothing.

Roads:

Ron Oiler Reporting

- ✓ Trustee Oiler stated that Road Supervisor Evans is finishing up getting ready to put culverts in. He has also started fall cleaning in the garage. The salt spreaders have been maintained and are ready to go. Lee is also making some room for some stone to be brought in. The repair on Westfield Landing Road was done today.

Zoning:

Gary Harris Reporting:

- ✓ Trustee Harris stated that he, Mr. Witmer, Bill Thorne and Mike Sweeny met on September 4, 2012 and Mr. Thorne had a few comments on the site plan.

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- ✓ There is a zoning training on September 18, 2012 at the Westfield Township Hall with Bill Thorne. It will be a question and answer session. Trustee Harris stated that there were some upcoming training sessions with Planning Services as well.

Fiscal Officer Report

- ✓ The bills for the month to date total \$14,212.50.

Trustee Likley made a motion to pay the bills as presented. Trustee Oiler seconded the motion.

ROLL CALL: Trustee Likley-yes, Trustee Oiler-yes, Trustee Harris-yes.

- ✓ Mrs. Evans stated that the Trustees should have all received the proposed tax levy ballot language. She will sign it and send it back to the election board.
- ✓ Emergency Management reminded everyone that all weather sirens must be changed to narrow band width. We do not have a siren.

Meeting Minutes:

Trustee Oiler made a motion to approve the August 20, 2012 public hearing meeting minutes as submitted. Trustee Harris seconded the motion.

ROLL CALL: Trustee Likley-yes, Trustee Oiler-yes, Trustee Harris-yes.

Trustee Harris made a motion to approve the August 20, 2012 regular meeting minutes as submitted. Trustee Oiler seconded the motion.

ROLL CALL: Trustee Likley-yes, Trustee Oiler-yes, Trustee Harris-yes.

Old Business:

Trustee Harris asked if we had heard back from the auditor regarding the taxes due from Creston. Mrs. Evans stated that she has not heard back from them yet but that she would call them again.

New Business:

Trustee Likley stated that at the last meeting they had discussed looking at the north side of the fire station for the planting of some new shrubs. He did get a quote from Great Trees for that but would like to look around a little more before presenting it to the board. He is going to talk to the boy scouts to see if they want to do a project. Trustee Harris stated that he noticed that the air truck had been moved.

Announcements:

Trustee Harris asked everyone to take a moment of silence in the passing of our first full time Fire Chief Jack Snoddy. He thanked Jack for his service to our community.

Trustee's Public Hearing continuation for Wind Energy October 1, 2012 6:30pm

Zoning Commission Regular Meeting is September 11, 2012 at 7:30pm.

Trustee's Regular Meeting for September will be September 17, 2012 at 7:00pm.

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Public Comment:

Lisa Nichols from the Auditor's Office introduced herself and stated she will be attending the first meeting of the month.

NORTH COAST SOCCER SITE PLAN DISCUSSION

Trustee Harris noted that he had the original and revised site plans that North Coast Soccer has submitted and Bill Thorne, Mike Sweeney, Matt Witmer and Gary Harris met with Mike Sweeney the other day. There was also an aerial view. The board and Bill compared the 2 site plans.

Trustee Harris: We all know that the state took away this access to the campground and now they are using this basically as an access drive for tractors and equipment. They didn't show the fields in this one but it is a grass area. We discussed the issue of trees per parking spaces. I believe the formula comes out that these trees would be enough. The code does not require the trees be planted in any specific place just as long as there trees.

Bill noted that when this was laid out, the code did not require trees.

Trustee Harris: The main question is: Do we want to send this to the zoning commission to look it over and give it their official stamp or do we want to charge for a site plan review. I do not believe there are any variances needed and Bill confirmed that statement by saying, No.

Bill continued by saying this is what is actually there and it does not need a variance and in my understanding, originally it was thought that this road was not there. Originally in 1996 it was referred to as a proposed road and the conditions were that they upgrade this road but they didn't make them show it. In 1996 they had a site plan but it cannot be located and if we make them pay \$400 for a site plan review, what do you get out of it. If you are not going to make changes, the purpose of a site plan review is to make sure they are in compliance with this section, where the properties are, protecting adjoining properties and district such as modify, health safety, traffic, mitigate or prevent adverse impacts on the environment. You are not going get or gain anything by going through a formal site plan review. What we are trying to get done is have a site plan as built so henceforth you are not fighting about it. And Matt says this is what's there. The one problem area that was and again it was pre-existed; we have to put an easement on here from Willie to North Coast Soccer because when they finally formed the road it went over on Willie's property and then back over where it is not supposed to be but that is how Cliff built it. Matt just needed direction if he needed to have them pay for a site plan review. I do not see any need in making them pay for a formal site plan review. Trustee Likley asked if trustees could accept it, Bill stated the Zoning Commission can accept this as a site plan as built. We can't find the original and this is the oldest it gets. Now that being said, there is going to be under your code this parking lot should be re-done, it is supposed to be hard surface or he can get a variance for that but that is down the road. Again I can't see the necessity of a formal site plan hearing.

Trustee Likley asked if there should be a motion to forward this to the zoning commission for their final review. Bill answered, yes. The zoning commission needs to accept as built.

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Trustee Likley: It is your contention that a site plan for this zone (Local Commercial) would go before the zoning commission. Bill answered yes because it is a permitted use. If North Coast Soccer wants to change something in the future, they must bring a proposed site plan for approval.

Trustee Oiler: This will establish a current site plan.

Trustee Harris: The one driveway (along the indoor soccer facility) that is not hard surface, how do we deal with that?

Bill: I think under the code this was supposed to be hard surface which is something they still need to address. They may need to get a variance for that. Would that be addressed at the zoning commission review? Bill answered no; this would be addressed as a zoning violation. There were questions as to what hard surface is and they were willing to accept an impervious material. I really never thought about this, I just wanted to get the plan in first.

Trustee Likley: Read Section 807.B. From the zoning code

Trustee Likley: Was this property Local Commercial before? Campground was changed from RR to LC in 2006. Originally it was Highway Commercial but was changed to Local Commercial to accommodate soccer as a permitted use.

Bill: You would have to go back to the code at the time of the parking area around the indoor soccer facility to review the conditionals that they got for that, it said it had to be hard surface. Now all weather driving surface is: compacted stone or gravel, brick, bituminous or concrete.

Trustee Likley: I just want it understood what the zoning commission needs to be looking at.

Bill: Zoning Commission looks at the site plan "as built".

Trustee Harris: Is that something Matt should follow up on?

Bill: This is separate because it had its' own conditions. The original conditional will have what was expected at that time and the current code at the time of acceptance. I don't know the exact language but it was hard surface. The board may now say we accept the grindings. This will be another issue because we are just trying to get this site plan issue completed. First things, first.

Trustee Oiler: Zoning commission should accept this "as built".

Trustee Likley made a motion that the site plan for North Coast Soccer be forwarded to the zoning commission for their acceptance and review as submitted, seconded by Trustee Harris.

Roll call: Oiler, aye; Harris, aye; Likley, aye.

Trustee Harris: Agricultural permits

Trustee Harris: Bill, did Matt ask about the 5 acre minimum?

Bill: That is not what the code says. Refer to Article II Section 202.A.1 and 2. The 5 acres refers only to platted subdivisions. Examples: Westfield Farms and Westfield Meadows. The disclosure statement is used to hold the property owner that the building is being used for agriculture and not an accessory building. If it is found that the building is not being used for agriculture they either upgrade per code or take it down.

Use the agriculture permit for agriculture buildings on lots more than 1 acre but less than 5 acres that are in a major subdivision.

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Trustee Harris: We have a person that Matt has been sending letters to that put up an agriculture building and is not using it for agriculture. I believe Matt has been talking with Bryan Richter about this, so is there something you can do for us on that? It has been going on for 3-4 months now.

Bill: He is working on it. He either uses it for agriculture or he gets a permit.

Trustee Harris: So Matt can call Bryan?

Bill: Yes. If he would join the lots it could be a legal accessory building. Is that the one that has basketball hoops in it?

Trustee Oiler: Yes and it has a scoreboard in it also.

Trustee Harris: The other one he is working on is Lesiak, that is the guy that is bringing in the railroad equipment and storing it on his property. We were waiting for the railroad to come back recommendation as to how close he can get to railroad property.

Bill: My memory on that is that it is taking so long that he will go after him on his own property and deal with the railroad separately.

Trustee Harris: In this process, he has found some additional items, like his barns that he never got permits for such as lean-tos. So our agriculture permit----

Bill: You don't have an agriculture permit unless it is in a major subdivision. What you have is an agriculture exemption – a person is identifying exactly why he thinks it is agriculture. If when that is done and the zoning inspector does not agree, you can take them to court. If the zoning inspector agrees and all of a sudden a month after the building is up and the building is not being used for that purpose, he can take him to court as well.

Trustee Harris: When they come in for an agriculture exemption, they don't have to present a site plan?

Bill: They need to present why they need an exemption, that's all. If they are in a major subdivision, then you can make them give you a site plan.

Trustee Harris: To make it clear, all we use is the exemption form and we do not use the one with the setbacks etc.

Bill: Unless it is a major subdivision.

Trustee Likley: With that, if you have indeed an agricultural affidavit or statement of agricultural use does that fall under any other zoning requirements for primary residence, such as do you have to have a primary residence before you can be agricultural exempt?

Bill: No. You must remember how strongly you want to enforce that. If a person says I want to build this for my horses and he doesn't have horses, in some counties that don't fly as an exempt building.

Trustee Likley: The concern in that is many farmers will have a home and a farm here and it is just another piece of property and farm that and potentially put an agricultural building on that piece of property without have a residence on that and they can do that. Bill answered Yes they can do that. Because our zoning says "no accessory building" can be built without a primary residence.

Bill: But agriculture buildings are exempt. How strict are you going to interrupt 519? Technically the building is supposed to relate to agriculture on that premise. In one case where a grain farmers built a grain silo on another piece of property but rented the silo out and the farmer did not store his grain there; so it was not related to his farming operation at all but it was a commercial activity. So it was an illegal building.

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I will be back on September 18th at 7:30 pm. Other boards are welcome but it must relate to zoning. It was mentioned that Planning Services are planning to hold a mock BZA hearing in Nov. Bill stated they have changed their agenda many times. We will wait and see.

Trustee Likley mentioned that the Westfield Township Trustees have continued their public hearing on Small Wind Energy Systems until Oct. 1, 2012 @ 6:30 pm because of the Planning Services adopting a model for Small Wind Energy Systems that has been approved by the Prosecutor's Office and Planning Services. We will see what Planning Services and your office has come up with.

The trustees thanked Bill for attending and answering their questions.

Trustee Harris made a motion to adjourn at 7:50 pm, seconded by Trustee Oiler. Unanimous

Approved September 17, 2012