

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
SPECIAL MEETING-COMP PLAN UPDATE/GENERAL BUSINESS
MAY 17, 2011**

Chair Sturdevant called the special meeting of the Westfield Township Board of Zoning Commissioners to order at 7:32 p.m. Board members Brewer, Anderson, Kemp, Miller and Sturdevant were in attendance. Alternate Board member Zweifel was also in attendance. Other individuals in attendance: Ron Oiler, Zoning Inspector Matt Witmer, The Kerr's, Carol Rumburg, Agnes Porter, Keith Simmerer, Mike Schmidt, Tom Micklas, Stan Scheetz, Gary Harris, The Drakes, and Bill Thombs.

APPROVAL OF MEETING MINUTES

March 15, 2011 special meeting minutes (Comp Plan Update)

Ms. Kemp made a motion to approve the March 15, 2011 meeting minutes as amended. It was seconded by Mr. Anderson.

ROLL CALL-Kemp-yes, Anderson-yes, Brewer-yes, Miller-yes, Sturdevant-yes

April 12, 2011 meeting minutes

Mr. Anderson made a motion to approve the April 12, 2011 meeting minutes as amended. It was seconded by Ms. Kemp.

ROLL CALL-Anderson-yes, Kemp-yes, Brewer-yes, Miller-yes, Sturdevant-abstain (not sitting).

Comp Plan Discussion and Possible Vote

Chair Sturdevant stated she was asked by a resident if it would not be wise for the Zoning Commission to hold off on voting on the Comp Plan Update until after the referendum vote in November? Chair Sturdevant polled the Commission members:

Jill Kemp: I think we should move forward. I want to vote on the Plan the Commission made the changes to. I have not changed my mind on the conservation district or parklands so we should move forward.

Anderson: I think we should move forward as well.

Brewer: I think we should move forward. We need to get this done.

Miller: I believe the Commission should vote on the original Plan submitted by the Steering Committee first. If that fails a motion would need to be made on the Plan amended by the majority of the Zoning Commission. The changes are like a contract. The Steering Committee went through a year long process with a professional land use planner and put their names on that Plan. If the amended Plan is approved, the Steering Committee should have a right to have their names removed from that Plan as it is not

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Sturdevant: I can see both points. Mr. Thorne has said we have talked to the residents during this process and tried to maintain separate issues between the Comp Plan Update and the rezoning application for the Greenwich Rd. corridor. My concern is if we wait then we would just be fitting the zoning to match what occurs with the referendum and would not be keeping our promise to the residents to keep the two issues separate.

Chair Sturdevant continued that regardless of what Plan is approved, the Commission did agree at the board's 3/29/2011 meeting to add language on page 40 to read, "Local commercial areas on the south side of Greenwich Rd. will remain unchanged due to the lack of sewer and water service. It is recommended that the Local Commercial language be reviewed for possible update in the future."

Mr. Miller made a motion to recommend approval of the original Comp Plan Update as submitted by the Steering Committee and professional land planner with spelling and punctuation changes made as determined necessary and the only modification to the document is the wording addressing the Local Commercial District on page 40. The motion died for lack of a second.

Ms. Kemp made a motion to recommend approval of the Comp Plan Update as modified by the Zoning Commission regarding the east Greenwich Rd. corridor, the elimination of conservation district, inclusion of the language originally drafted entitled "Additional Land Use Concepts under the Rural Residential and Agricultural Areas (page 37) the language on the Local Commercial District on page 40 and the removal of the wording "performed by the Township or an applicant" from bullet point 6 on page 41. It was seconded by Mr. Anderson.

ROLL CALL-Kemp-yes, Anderson-yes, Brewer-yes, Miller-no, Sturdevant-yes.

Continued Discussion on swimming pool language

The Trustees back in 2008 passed a resolution to Article II 205-C on Swimming Pools to add the following language:

5. Inflatable pools not requiring an electrical permit shall not require a zoning certificate
6. Inflatable pools not permitted in the LC District without an established residence
7. Inflatable pools not permitted in the HC or I Districts.

The Commission questioned why this language was not added in the Zoning Resolution under swimming pools as that language directly addressed inflatable pools.

The Commission then proposed the following wording for swimming pools:

1. Swimming Pools containing over one and one half (1.5) feet of water depth shall require a zoning certificate.
 - a. Inflatable pools not requiring an electrical permit shall not require a zoning certificate.

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2. A private, residential pool shall only be established as accessory to and on the same lot as a dwelling.

- a. Inflatable pools not permitted in LC district without an established residence.
- b. Inflatable pools not permitted in HC or I districts.

3. Swimming pools shall not be located closer to any street than the dwelling and shall conform to all required side and rear yard minimum building setback lines.

4. No in-ground pool or above ground pool with a height less than four (4) feet shall be filled with water unless a fence is installed complying with the following:

- a. The pool and the land, decking and other areas providing immediate access to the pool shall be completely fenced or otherwise constructed to prevent uncontrolled access by children. The fence shall be designed, constructed and maintained in a manner, which restricts unauthorized entry.

- b. The fence shall comply with all provisions of this Zoning Resolution relating to fences and shall be at least four (4) feet in height above the natural grade and at least four (4) feet from the pool on all sides.

- c. The fence shall be equipped with a lockable, self-closing and self-latching gate to prevent unauthorized intrusion.

- d. Fences shall be constructed so as to have no openings, holes or gaps larger than four (4) inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure.

5. An above ground pool attached to a deck with a minimum height of 4 ft. and security gate shall replace the need for a fence.

Zoning Inspector Witmer stated regarding point 5, he would like to see the height of the railing be addressed in the code as well and gave the option of someone building a deck around an above ground pool and having different portions of the deck open. Trustee Harris stated as a builder by profession, the Building Dept. requires the railing height on a deck to be 36-38". The Commission then revised point 5 to read:

5. An above ground pool attached to a deck with a minimum height of four (4) feet and security gate shall replace the need for a fence. The landowner may include a railing on the deck so long as it is no less than thirty-six (36) inches.

The Commission stated they would forward this wording to the Dept. of Planning Services and the Pros. Office for review before undertaking formal action to initiate a text amendment.

Mr. Mike Schmidt (7920 Ballash Rd.) asked about ponds and the safety issue of those bodies of water. Chair Sturdevant responded that having a fence around a pond was regulated by the insurance companies through a discount. She added she placed a call into Bill Thorne but did not believe ponds could be regulated. Mr. Schmidt commented

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Kathy Zweifel (Seville Rd.) stated she has an above ground pool and her insurance company would not insure it unless a fence was put around it. She added she did not know if this was really a zoning issue. This seems to be more of an issue between the individual property owner and their insurance company. Chair Sturdevant stated unfortunately, individuals have home insurance, put in a pool and never tell their insurance company they put one in and sometimes that does not include any safety features at all.

Chair Sturdevant stated the Commission had the option of removing regulations regarding swimming pools per legal counsel. Zoning Inspector Witmer interjected he did not have a preference either way but added if we have regulations they need to be solid and not vague.

Mr. Miller stated he would like to look at the language drafted this evening and review it before sending it on to the Department of Planning Services and legal counsel. The rest of the Commission agreed.

Zoning Inspector Witmer stated he received a letter from legal council Brian Richter about the definition of junk but did not have it with him this evening but would have it for the next meeting.

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Chair Sturdevant stated she and Zoning Inspector Witmer went to an all day zoning workshop in Akron that covered the topic of internet cafes. It is possible for a Township to impose a moratorium on these uses but only for a short period of time. With the potential of the referendum Chair Sturdevant stated she would like to delay addressing internet cafes for a short period of time until that is voted on. She continued that Mike DeWine has presented a bill in the House and that could help out a whole lot. She asked the Commission members to get back to her on potential dates members are available so a training session could be put on regarding internet cafes and other topics that were addressed at the workshop such as outdoor wood burners, alternative energy, parking etc. This information could also be downloaded for the Commission members as well.

Mr. Miller stated because the Comp Plan Update as revised by the majority of the Zoning Commission was passed to recommend to the Trustees, the Steering Committee members should be asked if they want their names removed from the Plan. The revised Plan should then reflect the majority of the Zoning Commission members who voted. Chair Sturdevant stated she would follow up with the Steering Committee accordingly. The rest of the Commission members agreed.

Announcements:

Westfield Township Zoning Commission Reg. Meeting-June 14, 2011 @ 7:30 p.m.

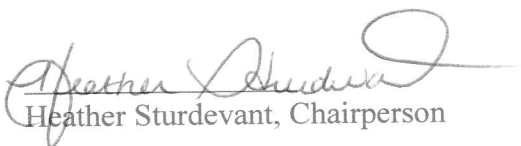
Having no further information before the Commission Ms. Kemp made a motion to adjourn. It was seconded by Mr. Anderson.

ROLL CALL-Kemp-yes, Anderson-yes, Miller-yes, Brewer-yes, Sturdevant-yes.


The meeting was adjourned at 8:38 p.m.

Respectfully Submitted.

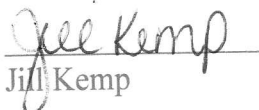
Kim Ferencz, Zoning Commission


Heather Sturdevant, Chairperson

Scott Anderson


Susan Brewer


John Miller


Jill Kemp