

BRIMFIELD TOWNSHIP ZONING COMMISSION
MEETING

MINUTES of October 18, 2011

Brimfield Town Hall Meeting Room – 1333 Tallmadge Road, Kent

Present: Chairman William Kremer Vice Chair Gary Rodd Debbie Darlas
Terri Reed Ron Jones

Absent: N/A

Staff: Zoning Inspector Dick Messner, Administration Coordinator Amy Arnold

The Zoning Commission meeting was called to order by Chairman William Kremer at 7:00 p.m. A motion was made by Vice Chair Gary Rodd to accept the Agenda, seconded by Terri Reed. Motion carried unanimously.

ZONING COMMISSION: No comments

PUBLIC COMMENTS: None

PUBLIC HEARING:

Present: Anthony Masiella – 4616 Estes Drive, Kent, Ohio 44240

Statement included the following:

- His home is the last house on the street which would place his backyard directly behind and alongside the proposed building.
- When his home was originally purchased it measured one thousand one hundred twenty five feet corner to corner; today the measurement is one hundred feet
- Mr. Rhoades gave assurance that it would not get this close during original purchase which he bought in good faith with the understanding that “Rosedale Estates” would be built.
- The size of the proposed building is “terrible”
- Request for a guarantee in writing that the residents of Hughes and Estes Drive will be “taken care of”; preference would be bonding

Terri Reed asks: What guarantee?

Response: Water problem, traffic, noise, lighting (main issue) and proposed parking

Present: Attorney Scott Flynn: Representing Montbach’s (also present) of 143 East Howe Road, Kent, Ohio 44240 (letter presented for file)

Statement included the following:

- Precautionary concerns are lighting and noise
- Clients have put a lot of time and money into their current residence
- They are “taken back” by the proposal
- They are requesting a buffer that would include trees
- The further south the proposed building, the better
- An additional issue in the access road (ingress/egress) – this is something they are opposed to
- They are taking the position against the re-zone

Present: Ronald Withrow of 502 Hughes Drive, Tallmadge, Ohio 44278

Statement included the following:

- Property butts the field
- The value of his home will go down by twenty percent which would equal a value of thirty thousand dollars
- Inquiry as to why the buyer is not being disclosed
- Would like to see the “promises” being made in writing with a signature
- Requested that the people being affected by re zone be represented

Present: Anthony Masiella of 4616 Estes Drive, Kent, Ohio 44240

Statement included the following:

- His property was purchased twenty two years ago
- Paul Rhoades, who is now deceased, was the originator of septic system
- Would like to know if the current sewer system is legal
- What is the current status of the sewer system for the entire street?
- Would like the specifics of the ingress and egress
- During the original “private meeting” he was told that Estes Drive would not be involved in the re-zone
- Does not want to get “blind-sided” by the selling of the Rhoades Property Estate
- The south side is private

Present: George J. Emershaw of Emershaw, Mushkat and Schneier at 120 East Mill Street, Akron, Ohio 44308-1758, representing Trina Carter of Tallmadge. Exhibits distributed for file

Statement included the following:

- The issue of surface water is a major problem
- The Portage County area is handled by the Johnson Ditch
Referenced “Exhibit #4” as drainage map
- The water crossed Howe Road, enters Plum Creek and flows into Mogadore Reservoir
- Hughes Road and the north side of Howe Road is where the water problem is
- An additional issue is that of the sewage that dumps into Johnson Ditch which is a “headache”
- Tallmadge is cleaning out this specified ditch, whereas Brimfield Township is not
- Beavers are creating dams within this ditch
- The proposed building is eight hundred thousand square feet which is equivalent to four super Wal-Mart’s
- There is thirty acres between the parking and surface, sixty percent is west and forty percent east
Referenced “Exhibit 15”
- ***Referenced “Exhibit 8”*** to show the site plan is ninety percent west with the building contributing to the Estes Drive and Hughes Drive flooding
- ***Referenced “Exhibit 16” to state that the elevation (topography) is a thirty foot downfall directly into the Johnson Ditch which is most significant
- Industrial development in Tallmadge is not the issue
- ***Referenced “Exhibit 2” and “Exhibit 3” to insinuate that the “wetlands” south and west are where the loading docks will be located
- Request for a national engineer to be brought in
- Inquired as to the “deep pockets” of buyer and potential bankruptcy
- Inquired as to the potential buyer having high fidelity bonds

Present: Butch Howard of 1252 East Howe Road, Tallmadge, Ohio 44278

Statement included the following:

- Inquiry as to storm water management
- The Johnson Ditch is seventy five feet from his house
- There is blockage with or without rain
- There is a nuisance of mosquitos
- The property is nine hundred feet deep
- There are ducks in the backyard
- Requests a working agreement between Tallmadge and Brimfield Township JEDD
- He will forced to move forward with legal ramifications if situation is not remedied
- He is stuck in the middle of people with money
- Tallmadge City Council just passed new legislation
- The ditch was originally eighteen inches and would dry out
- His fear is that thirty acres of water will be coming at him regardless of metering

Present: Cindy Knippenberg of 4645 Estes Drive, Kent, Ohio 44240

Statement included the following:

- She moved into this home thirty years ago
- The original plan included "Rosedale Estates"
- The "residential plan" dwindled quickly
- People need their homes taken care of
- Her personal dishwasher was ruined as a direct result of the drilling of wells on the Rhoades property, which was a loss for her
- The community is a quiet, private, family oriented and prideful one where residents are raising their families
- It is a crime to destroy the property value
- Requests that the need of residents are protected and respected

Present: Suzan Lamancusa of 4626 Estes Drive, Kent, Ohio 44240

Statement included the following:

- There is a concern for the safety of the children
- There is mold in houses which is a health issue and is not covered by insurance
- The welfare of the people and property value of the homes are additional concerns

Present: Larry Sullivan of 4816 Estes Drive, Kent, Ohio 44240

Statement included the following:

- Water is a main concern
- He is neither for or against the proposed building
- The dams, beavers, rain and water were not original problems; he has lived in his home for twenty four years

Present: Karen Burrige of 4765 Estes Drive, Kent, Ohio 44240

Statement included the following:

- Thirty year resident
- Understanding of change
- Had a septic and has since run sewer to the neighbor
- Leachbed has stopped working
- With each year comes more water
- Understands that they are not building in surrounding areas
- They are living in a "muck farm"
- Water problem needs to be addressed
- The traffic is a concern of the "lovely neighborhood"

Present: Richard Bancroft, Developer for Mindale Farms in Tallmadge, President of Home Builders Association of Portage and Summit Counties, 6500 Pearl Road, Suite 206, Parma Heights, Ohio 44310

Statement included the following:

- Twenty percent limited to impervious surface
- Eighty percent increase with change to LI
- Eight hundred thousand square feet is only equal to 106 jobs with an average salary of twenty nine thousand five hundred and only nine thousand to the JEDD in Brimfield Township
- Within the last decade there has been only been one point eight million square feet of new construction
- Only five buildings were over eight hundred thousand square feet
- Only four building were over one hundred forty three thousand square feet
- Reference to Streetsboro and Aurora
- Asked commission to consider real estate tax abatement verses the overall economic development
- Believes there to be a wiser use of the land

Present: Steven Chaney of 540 Hughes Drive, Tallmadge, Ohio 44278

Statement included the following:

- Resident for 15 years
- Unable to use back yard due to stench
- Odor filtrates the entire house; an issue for the last ten and half years
- ***Referenced Sam Deacon, neighbor***
- Not opposed to involving congressmen, Army Corp of Engineers
- Concerned about the drinking water from Mogadore Reservoir
- Concerned about disease infiltration

Present: Trina Carter of 731 North Munroe Road, Tallmadge, Ohio 44278 and of Mindale Farms, Tallmadge, Ohio 44278

Statement included the following:

- Against re-zoning specified property
- Not against development
- Has owned Carter Lumber Company for over sixty years
- Asked commission to consider risks, benefits, alternatives
- Believes the rezone to Light Industrial to be a “broad swing”
- Asks the commission to use “common sense”
- The number of jobs originally stated was one hundred fifty and has since come down to one hundred eight
- Would like to know what type of jobs and the details of the proposed company
- She does not believe there to have been any answers to any of the fundamental questions
- ***References Brimfield Township Zoning Resolution, Chapter 1, Title, Authorization, Purpose, Section 101.00 A.***
- Sixty (plus) residents in Brimfield Township and forty (plus) residents in Tallmadge have invested
- The Johnson Ditch flooding has been taking place for over fifty years
- There will be water running off of the surface; thirty plus acres
- Have not solved the current problem
- Skeptical about resolution
- Asks the Zoning Commission to follow the mandate according to Section 101.00 A
- Asks the Zoning Commission not to protect an unknown company
- The property in question butts up against Mindale Farms
- There has been no disclosure as to the identity of the company
- Quoted dates ranging from May of 2011 through June of 2011 regarding the rezoning and the Zoning Commission

Present: David Meloy of 4650 Estes Drive, Kent, Ohio 44240

Statement included the following:

- The uncertainty of the proposed building
- Concern about desertion and/or bankruptcy
- Concerned about guarantees

Present: David Hall, Broker for Currie Hall Investment Co. at 77 Milford Road, Suite 274, Hudson, Ohio 44236

Statement included the following:

- Joe (Joseph Mosyjowski, 3615 Swartz Road NE, Hartville, Ohio 44632), who is a local engineer has been in compliance for Brimfield Township residents for three out of four local jobs
- Acknowledges water issue and also that the residents have been compromised
- Rhoades has spent two thousand dollars within the last month to clean out the dams (a total of four obstructions)
- The upstream topography shows a slope, unregulated, surface drainage, west side of Hughes Drive
- Water is flowing but still backing up
- There is “fear mongering” going on in Tallmadge
- The impervious surface will run water off
- Wal-Mart has a detention basin
- A strong disagreement to statements made prior to him
- There will be detention/retention (grading)
- He has been in business for thirty eight years
- Rhoades plans to install a sanitary sewer, drainage and cul-de-sacs
- Insight is a national fiscally stable company, a responsible company
- Conservative job count is one hundred fifty
- One hundred six jobs to open
- Previous statements made by Bancroft have been offensive, mostly false
- Two hundred thousand will be manufacturing, six hundred thousand to be warehouse
- There will be regulations under JEDD
- The statements regarding jobs and salary are inaccurate
- This would be a benefit to the community
- Rumors regarding Hughes and Estes are untrue and there will be cul-de-sacs
- Proposed plan would divert traffic to Crystal Parkway to Howe to 76
- There will be no left turn for trucks off Howe Road
- Every light plan is regulated (with restrictions)
- An earth mound with pine trees will be erected for buffering
- Drainage will be regulated with new clean water acts that will reduce the water and control the rates
- Johnson Ditch can be diverted to the east with a logical resolution to be re-grading
- A major dilemma is the beaver dams – proposes to resolve by splitting the cost between Tallmadge City and Brimfield Township from money generated off of the JEDD (to supplement negative cash flow)
- Beavers are referred to as a “grey area” and “an act of God” (trapping is necessary for permanent ditch maintenance)
- Joe, a local Engineer, for the last twenty years has a demonstrated track and able to resolve issues

Terri Reed asks for the definition of “Wetlands”: Defined as follows:

(Generally, wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface (Cowardin, December 1979). Wetlands vary widely because of regional and local differences in soils, topography, climate, hydrology, water chemistry, vegetation, and other

factors, including human disturbance. Indeed, wetlands are found from the tundra to the tropics and on every continent except Antarctica.

For regulatory purposes under the Clean Water Act, the term wetlands means "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.")

- There are three components for the loading docks
- Agreed to put in ditch along Hughes Drive
- The "protection" will be through the entire site plan approval process
- Sewer violations are acknowledged; when the housing market died the sub division was never completed
- The sewer system is less than satisfactory
- Times have changed since the original approved legal signed document
- Rhoades is willing to remedy
- All information has always been consistent and will remain consistent

CLOSE:

Rebuttal statement from George J. Emershaw

- There has been no transparency
- ***Referenced document of original land proposal***
- ***Referenced document (email) from Joe, Engineer

Buffering clarified to be that of a soil berm, earth mound with pine trees

Present: Janet Masiella of 4616 Estes Drive, Kent, Ohio 44240

- Her road is private
- If the rezoning takes place and the proposed company does not go in are all bets off?

Present: Tivador Borsos of 4668 Estes Drive

- A resident for 35 years
- Main concern is the size of the building

Rebuttal statement from Dave Hall

- Reiteration of previously stated items

RECOMMENDATION:

A Motion to hold for review until November 10, 2011 at 7:00 PM made by Debbie Darlas, seconded by Terri Reed. Motion passed with a 3/2 vote.

There being no further business to come before this commission a motion was made by Chairman William Kremer to adjourn the meeting at 8:43 p.m. seconded by Terri Reed. Motion carried.

Chairman, William Kremer

Secretary