

Village of Lordstown Planning Commission

June 14, 2021

(WHEREAS, THE LORDSTOWN VILLAGE PLANNING COMMISSION MET ON MONDAY, JUNE 14, 2021, AT 6:30 P.M. WITNESSES AND APPLICANTS WERE ABLE TO ATTEND IN PERSON OR VIA ZOOM REMOTE TELECONFERENCE. THE TRANSCRIPT WAS PRODUCED TO THE BEST OF THE COURT REPORTER'S PROFESSIONAL ABILITY, WITH REMOTE AUDIO TESTIMONY INAUDIBLE AT TIMES, AND THOSE IN ATTENDANCE SPEAKING, AT THE SAME TIME, FROM THE FLOOR AND/OR WEARING FACEMASKS. PROCEEDINGS WERE AS FOLLOWS:)

The Lordstown Planning Commission met on June 14, 2021, at 6:30 p.m. at the Lordstown Administration Building. The meeting was called to order by Chairperson Tim Rech, followed by the Pledge of Allegiance to the Flag. Roll call was taken.

In Attendance:           Tim Rech, Chairperson  
                              Richard Rook, Vice Chairperson  
                              Arno Hill, Mayor  
                              Don Reider, Council Member  
                              Bob Shaffer, Member  
  
                              Paul Dutton, Solicitor  
                              Kellie Bordner, Planning & Zoning Administrator  
                              Denise L. Dugan, Assistant Planning & Zoning Administrator

Also Present:            Juliana Tura, Fear Forest  
                              Alan Tura, Fear Forest  
                              Bruce Ballentine, Lordstown, Ohio  
                              Jacquelyn Tura, Lordstown, Ohio  
                              Larry Tura, Lordstown, Ohio  
                              Michael Hodak, Lordstown, Ohio  
                              Brian Gibson, The Lordstown Comeback  
                              Dennis Valot, Jr., The Lordstown Comeback  
                              Tom Bowser, Buckeye Civil Design  
                              Robert Bond, Council Member

**APPROVAL OF AGENDA:**

MR. RECH: Is there a motion to approve the agenda?

MAYOR HILL: So moved.

MR. RECH: Mayor Hill -- is there a second?

MR. REIDER: Second, Mr. Chairman.

MR. RECH: All right -- thank you, Mr. Reider. All in favor, aye.

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**APPROVAL OF MINUTES of April 28, 2021:**

MR. RECH: All right, very good -- you also have, before you, the minutes from the April 28th meeting. Is there a motion to approve those?

MR. SHAFFER: I'll approve -- make a motion.

MR. RECH: All right, Mr. Shaffer -- is there a second?

MR. ROOK: Second.

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MR. RECH: Mr. Rook -- all in favor, aye.

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

MR. RECH: Anybody opposed?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**PLANNING AND ZONING ADMINISTRATOR'S REPORT:**

MR. RECH: Okay, Planning and Zoning Administrator's Report.

MS. BORDNER: Yes, Mr. Chairman there have been several emails that have gone back and forth with M&M Industries, relative to their Phase 2 Rail Spur Development and Site Plan Review submission. Thus far, we have not seen any plans or documents other than their tree clearing approval through ODNR. However, we have been advised that M&M will be providing everything, by the submission deadline of at least two (2) weeks prior to the scheduled July 12th Planning Commission meeting. The Village Engineer and department heads will need time to review the submission, once received, and provide reports or comments.

We will beg your indulgence and will try to do our best to get everything to each Planning Commission member, as required, by July 6th -- since July 5th is the work holiday -- if we get the submission on time from M&M.

So if everyone could please let me know if they're going to be unavailable for the July 12th Planning Commission meeting, I would appreciate that.

**SOLICITOR'S REPORT:**

MR. RECH: All right, thank you -- is there a Solicitor's Report this evening?

SOLICITOR DUTTON: No report.

**CORRESPONDENCE:**

MR. RECH: Thank you, sir -- any Correspondence?

MS. DUGAN: No, sir.

**OLD BUSINESS:**

MR. RECH: All right -- any Old Business?

MS. DUGAN: No, sir.

**NEW BUSINESS: 1. Site Plan Review Not Involving New Construction for All Seasons Storage and Mashorda Plants/Flowers, 5787 Tod Avenue SW, Lordstown, Ohio.**

The Planning Commission followed this form that follows Section 1116.03 of The Planning & Zoning Code:

NAME: ALL SEASONS STORAGE AND MASHORDA PLANTS/FLOWERS

ADDRESS: 5787 Tod Avenue

1. **Existing zoning of the property:** B-2 Commercial Highway Business
2. **The floor plan of intended building for specific use:** Applicant's proposed space for his small business selling plants/flowers to entities such as churches, schools and dance studios will be located in the front building (being in the northwest corner of the property). Applicant has submitted a floor plan for this building which shows an open floor area of approximately 2,688 square

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feet (being 48 feet by 56 feet in size) where deliveries of plants and flowers will take place, along with sorting of the products into orders and preparation for shipping. Applicant states that 15 to 50 rolling cars for use in product receipt, staging, pulling orders and shipping will be located in this area. The building also has two restrooms, a small kitchenette area, at least three (3) enclosed storage rooms, an office and an open, dry storage area. The east end of the building contains numerous indoor, individual storage units. The main entrance to this building is by the office. An additional man door exists at the southwest corner of the building. Applicant plans to improve this building by adding a 10-foot wide by 9-foot-high garage door on the south side, next to the man door, for purposes of ease in receiving and distributing the products. Applicant also proposes to create a 56-foot long by 34-foot-deep concrete or blacktop pad on the south side of the building where the garage door is so that rolling carts can be easily utilized to load and unload products. The remainder of the buildings on the property will continue to be utilized for individual customer storage. Applicant proposes to install security cameras on the property, along with an electronic rolling gate. He will also have the metal roofs painted and sealed.

- 3. Location and dimension of all off-street parking and loading areas including the number of spaces:** Applicant states that there will be no employees on site and that this is not a typical retail establishment where customers will be coming to the building to pick up their products. Lordstown Codified Ordinance 1163.06 provides for off-street parking requirements. Attempting to fit this business into a category, retail parking would require one parking space for each employee and one parking space for each 200 square feet of floor area. In very fairly considering only the 2,688 square feet of space which Applicant proposes to use for the plants/flowers, with no employees on site, a total of at least 13 parking spaces would be required. If this business were to be considered a wholesale business, using the same square footage allowance, then one parking space would be required for each 300 square feet of gross floor area, thereby requiring a total of at least 9 parking spaces. Applicant would request a waiver from these requirements. Lordstown Codified Ordinance 1163 requires that the parking area for a business within the Village shall be surfaced with a dustless, durable all-weather pavement, with parking spaces clearly marked at no less than 10-foot by 20-foot in size. The code also requires that the parking area be marked for not less than 3 parking spaces. The prior property owner, Glen Chaney, originally came before Lordstown Planning Commission on May 27, 1997, to seek site plan approval for All Seasons Storage. At that time, site plan review approval was granted; however, the issue of paving the parking lot and striping a certain number of parking spaces was directed to the Board of Zoning Appeals for consideration of variances. On June 9, 1997, the Board of Zoning Appeals granted Mr. Chaney a delay of one year on the code requirement to pave the parking lot and also granted him a variance from the number of required parking spaces as long as the business continued to be used solely for storage units.
- 4. Location, size, height and orientation of all signs, both existing and proposed:** Applicant states that they will not have any signage at this location. Applicant has been informed of the code requirements under Lordstown Codified Ordinance 1165 and that an application for zoning permit, along with a plot plan, must be completed and submitted to the Lordstown Planning & Zoning Office before the placement of any signage.
- 5. Location of all streets project is fronting on:** Tod Avenue (State Route 45)
- 6. Other information required by the Planning Commission:** Applicant, Raymond Mashorda, states that the main business for this location will continue to be the All Seasons Storage whereby units are leased to customers for individual storage. Applicant states that no one will be on site to receive

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potential customers as he plans on creating a website from which customers can lease a storage unit by using a credit card.

Applicant will also run a small business whereby he proposes to sell plants/flowers twice a year, at Easter and at Christmas, to churches, schools and dance studios for their use in holiday fundraising efforts. The products then sold would be shipped to this business location by truck, where they would be unloaded, staged, pulled for orders and shipped out or delivered directly to customers. Applicant states that no more than 12 trucks would be delivering to this location per year and there would be no need for more than one person on site to receive, stage, organize and ship the products. Mr. Mashorda states that he lives in Florida and will only be in Ohio for a total of 65 days per year, working only 50 of those days at this location. The rest of the year, Applicant explains that this plant/flower building will be utilized to store his van and carts. Applicant anticipates that his plant/flower business will be operational for the Christmas 2021 season.

MR. RECH: All right, New Business then -- number one, is Site Plan Review Not Involving New Construction for All Seasons Storage and Mashorda Plants/Flowers, 5787 Tod Avenue SW, Lordstown, Ohio.

MS. BORDNER: Yes, this is a B-2 Commercial Highway Business Zoned property.

The Applicant's proposed space for his small business selling plants and flowers to entities such as churches, schools and dance studios, will be located in the front building, being in the northwest corner of the property. The Applicant has submitted a floor plan for this building, which shows an open area of approximately 2,688 square feet, being 48' x 56' in size, where deliveries of plants and flowers will take place, along with sorting of the products into orders and preparation for shipping. Applicant states that 15 to 50 rolling carts for use in product receipt, staging, pulling orders, and shipping will be located in this area. The building also has two (2) restrooms, a small kitchenette area, and at least three (3) enclosed storage rooms, an office and open, dry storage area. The east end of the building contains numerous indoor, individual storage units. The main entrance to this building is by the office. An additional man door exists at the southwest corner of the building. Applicant plans to improve this building by adding a 10-foot wide by 9-foot (10'x 9') high garage door on the south side, next to the man door, for purposes of ease in receiving and distributing the products. Applicant also proposes to create a 56-foot long by 34-foot deep (56' x 34') concrete or blacktop pad on the south side of the building where the garage door is -- so that the rolling carts can easily be utilized to load and unload products. The remainder of the buildings on the property will continue to be utilized for individual customer storage. Applicant proposes to install security cameras on the property, along with an electronic, rolling gate. He will also have metal roofs painted and sealed.

Relative to off-street parking and loading areas, the Applicant states that there will be no employees on site, and that this is not a typical retail establishment, where customers will be coming to the building to pick up their products. Lordstown Codified Ordinance, 1163.06 provides for Off-Street Parking requirements.

Attempting to fit this business into a category, retail parking would require one (1) parking space for each employee, and one (1) parking space for each 200 square feet of floor area. In very fairly considering only the 2688 square feet of space, which Applicant proposes to use for the plants and flowers, with no employees on site, a total of at least 13 parking spaces would be required. If this business were to be considered a wholesale business, using the same square footage allowance, then one (1) parking space would be required for each 300 square feet of gross floor area, thereby, requiring a total of at least nine (9) parking spaces. Applicant would request a waiver from these requirements.

Lordstown Codified Ordinance 1163 requires that the parking area for a business, within the Village, shall be surfaced with a dustless, durable all-weather pavement with parking spaces

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clearly marked at no less than ten (10) foot by 20-foot (10' x 20') in size. The Code also requires that the parking area be marked for not less than three (3) parking spaces.

The prior property owner, Glen Chaney, originally came before Planning Commission on May 27, 1997, to seek site plan approval for All Seasons Storage. At that time, the site plan review approval was granted; however, the issue of paving the parking lot and striping a certain number of parking spaces was directed to the Board of Zoning Appeals for consideration of variances. On June 9th, 1997, the Board of Zoning Appeals granted Mr. Chaney a delay of one (1) year on the Code requirement to pave the parking lot and granted him a variance from the number of required parking spaces as long as the business continued to be solely used for storage units.

Relative to signs, Applicant states that they will not have any signage at this location. Applicant has been informed of the Code requirements under Lordstown Codified Ordinance 1165, and that an application for zoning permit, along with a plot plan, must be completed and submitted to the Lordstown Planning and Zoning Office before placement of any signage.

This project is fronted on Tod Avenue, State Route 45.

And some additional information that the Planning Commission might want to know is the Applicant, Raymond Mashorda, states that the main business for this location will continue to be All Seasons Storage, whereby units are leased to customers for individual storage. Applicant states that no one will be on site to receive potential customers, as he plans on creating a website from which customers can lease a storage unit by using a credit card.

Applicant will also run a small business, whereby he proposes to sell plants and flowers twice a year -- at Christmas and at Easter -- to churches, schools and dance studios for their use in holiday fundraising efforts. The products then sold would be shipped to this business location by truck, where they would be unloaded, staged, pulled for orders and shipped out or delivered directly to customers. Applicant states that no more than 12 trucks would be delivering to this location per year, and there would be no need for more than one (1) person on site to receive, stage, organize and ship the products. Mr. Mashorda states that he lives in Florida, and he will only be in Ohio for a total of 65 days per year, working only 50 of those days at this location. The rest of the year, Applicant explains that this plant/flower building will be utilized to store his van and carts. Applicant anticipates that his plant/flower business will be operational for the Christmas 2021 season.

Mr. Mashorda also sent a letter to the Planning and Zoning Office on June 5th, 2021, and indicated that he was delegating Mike Hodak, owner of Subway, to represent him at this evening's scheduled meeting. He also indicated that he would either be Facetiming or Zooming with Mr. Hodak at the meeting.

MR. RECH: All right.

MAYOR HILL: And he is available on Zoom right now.

(WHEREAS, RAYMOND MASHORDA ATTENDED, VIA ZOOM CONFERENCE, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. MASHORDA: I'm present at the meeting. I just don't have any video.

MR. RECH: All right, thank you. Okay, so questions, comments -- what do we need to do?

MAYOR HILL: Well, I believe that there's some concern as far as the paving of the parking lot. I know that was considered an issue. Mr. Chaney said he was going to pave it, and he never did.

There basically will not be, from my understanding, you know -- other than somebody there to possibly pass out a key or offer the -- for storage, you know there may be flowers delivered; if I'm correct, Kellie? And then after that, they're going to have the flowers delivered, put on carts, and then shipped for fundraisers and things like that. So, basically,

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there won't be much there at the business as far as having people there. So I think the main concern is -- it has been a going storage facility.

MR. RECH: Yes.

MAYOR HILL: I guess the main thing is the parking lot and marking the parking spaces; and I'm sure there is a couple of other small things, but those are the biggies. Am I correct when I say that Kellie?

MS. BORDNER: I believe so.

MR. RECH: Okay. So from this photo, it looks like, essentially, we're dealing with gravel/dirt for a parking surface?

MS. BORDNER: We did speak with Mr. Chaney. He indicated that he did, in fact, have the parking lot paved. He said that he used asphalt grindings at the time; and that was, apparently, acceptable at the time. That was a long time ago, and over the years it has worn down.

When Mr. Chaney was required to pave the parking lot there, he was only required to do that front area -- for that front building. So he didn't really go beyond the end of that -- that would be to the east. So he didn't go beyond that east end of the building. That is the building that we're talking about -- that is what we're referencing in as the front building, and what you see in the pictures, there. (INDICATING)

So he just paved that area, from the building over to where the gate was; and he indicated that he did accomplish that, but that was as far as he got with it -- and was not required to have done in the back, where some of the other storage areas are; and in fact, that's still just grass -- a grassy area.

MAYOR HILL: Now, he is planning on putting some sort of a pad in front of the building, correct?

MS. BORDNER: Correct.

MAYOR HILL: And that's where -- if any vehicles are coming or going -- that's probably where, I'm sure, they would probably be staged.

MR. RECH: Would that area be big enough for nine (9) parking spaces for a wholesale operation that you're indicating on here?

MS. BORDNER: Well, I think we can also consider the fact that the Code requires a minimum of three (3) spaces. So if we wanted to be extremely lenient, I think you could even just require three (3) spaces rather than nine (9) or -- and grant a waiver and only require the three (3). Again, I believe it was the length of the building going in front of it. So what he's talking about with the pad is in the southwest corner in front of the building. So there is a pad there, but it wouldn't run the length of the building to the east. (INDICATING)

MR. RECH: Okay.

MR. REIDER: Yes -- Mr. Chairman?

MR. RECH: Yes, sir.

MR. REIDER: I went down and looked at it. You couldn't get in because of the gate. And I understand what he wants to do, and he did make a comment that he would pour either concrete or blacktop from the building, out 56 feet, I would imagine in length -- by 34/35' feet deep. If you go down there and look at that, he's only got a few more feet to finish repaving it to the gate --

MR. RECH: Okay.

MR. REIDER: -- and it would all be paved. It's not a whole, big area to be paved. And being that our Ordinance requires that, I would support this if he decides to go ahead and pave the rest of it.

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MR. RECH: Okay, other thoughts?

MAYOR HILL: What sort of time frame, Don?

MR. REIDER: Pardon me?

MAYOR HILL: I know he wants to do that 56' x 30' something, you know, now. What sort of timeframe are you looking at for the rest of it -- the same time -- or within a year or two?

MR. REIDER: Well, I would say the same time -- if you're going to have a paving crew in there to pave, you might as well do it all at the same time -- do all of it.

MR. RECH: Mr. Mashorda -- any comments on that?

MR. MASHORDA: Well, I'm having a hard time catching everybody's comments. It's coming in kind of muffled. I think you're talking about the pad out front.

MR. RECH: Yes, sir.

MR. MASHORDA: The pad out front, we have that -- running from the south -- southwest corner of the building, to the inside corner, where the entrance is into the building under that little window; and originally, I had stated that I was going to do 34 feet; but I sat out there a number of times, and I've re-measured, and I might only go 25' or 30' feet deep on that. I haven't really set it in stone yet.

The big problem I'm having right now is just trying to find somebody to do the work. I'm having -- I called 16 -- 16 times with three (3) different people for the gate. I got the garage doors lined up. I ordered those two (2) months ago -- still waiting for those to come in.

I want to put a 10-foot wide by 9-foot (10' x 9') high garage door just -- just east of that man -- that solid man door, so I can back my van and get cars in and out easily; and on the building -- building number two (2) that you can see back there -- if you look at one of the photos -- there's a nice garage door on the south side, and there's a junkie garage door on the north side of that building number two (2) -- and I ordered a door for that so it would look nicer, you know, looking than the door that was there.

It's laid out. The problem is just trying to get people to give me quotes and get people out there to -- you know, my cousin was in the blacktopping business; and he's retired, but -- and he was going to get his grandsons to come and do it, but then he had to have an aorta transplant, so I kind of backed that up a little bit; but like I said -- as far as the 34' deep, I may shorten that to 25' or 30' -- all right?

And I don't have any employees. I'm pretty much a one-man operation with this. I got it long before I retired -- or I did have employees, but I had a lot more customers then. Now I have a lot less customers, and this is just to help supplement my income because, you know, we don't all live in the '50's, where it's cheap to live anymore.

So it's churches, dance studios, schools. I have some private organizations that I do these fundraisers with -- Christmastime, Easter season -- and really, that's about it; and when I stated that there would probably be no more than 12 trucks per year coming in, I kind of went higher than what I think it will be. I sat and counted trucks, you know, over the last couple of years, and it's really only about ten (10) times. So it's not -- it's not very often that a truck would be there; and normally, if he's there, he's not there overnight. Somebody would be there two (2) or three (3) hours and gone.

I do rent a truck for the two (2) seasons -- usually, a few days here and a few days there. I rent a Ryder or Penske or whatever I can get to -- for these deliveries; and, you know -- you know, I bought this business -- I mean, a concept of having a storage facility because down there in Florida, if you have them, you can't even have enough storage even -- but it's just a small business. I think I only have 14 or 15 customers, and I don't look forward to really grow that much -- you know, up to 20 down the road, but you know, I bought the -- the customers that I have for the storage, pretty much supplement my cost every month to own the -- own the business -- to own the property.

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So it's kind of a break even deal for me on that -- and really, like I said, I'm only in Ohio about 65 days for the whole year. I have a couple of other fundraisers that I do. I'm only there 65 days for the year, and I only work about 50 of them; and some of those days, I'm only there a couple of hours, and I'm gone -- and there's some days where I'm there 8 or 10 hours; but it's just a small, little thing that I do, and it's not going to create any problems with anybody or I don't plan on being a bad neighbor towards anyone. It's really a very, you know, low-key operation that doesn't create a lot of disturbance or anything like that, you know.

My plan with this year was to do these three (3) things. Next year, you know -- when I got some money again -- maybe, you know, I talk to Sam Boak about, you know, doing the roofs for me -- roof, roofs -- however you pronounce it; and, you know, that was something we were going to look into for '22.

So, you know, that's really where I'm at with this, but -- and, you know, I didn't -- not trying to create any kind of a problem for anyone down the road, and I understand about Codes and things like that. Austintown has plenty of them, and I always followed by the rules, pretty much as I could -- and I never had any problems there.

So I'm not really trying to create any problems here. I just want to try to run my little business and make a few bucks in my retirement. I'm 66 years old. I shouldn't even have to be working. So I don't know what else to say.

MR. RECH: All right, thank you -- yes?

SOLICITOR DUTTON: Mr. Mashorda, my name is Paul Dutton. I'm the Legal Counsel to the Village, and I attend these meetings, and it's my responsibility to alert the Planning Commission to issues that may not be raised during the presentation; and the presentation included a recollection that in 1997, Mr. Chaney, who was the prior owner -- and who conducted, I would assume, the identical business -- All Seasons Storage, that is being perpetuated today -- or proposed to be perpetuated -- and the issue of the paving came up, and the issue of the parking spaces came up; and in May of 1997, site plan approval was granted on the condition that the paving of the parking lot proceed, and that a certain number -- the narrative, here, doesn't give the number of spaces -- was directed by the Board of Zoning Appeals -- and that work wasn't done. In other words, those improvements weren't made. So in June of 1997 -- and I don't know why it would be -- are you sure that's 1997?

MS. BORDNER: Yes.

SOLICITOR DUTTON: It would be a week later?

MS. BORDNER: So they had it scheduled for the Board of Zoning Appeals, right after he had gone to Planning Commission, yes.

SOLICITOR DUTTON: So in 1997 of June, the Board of Zoning Appeals gave Mr. Chaney a one-year delay. So we're now in 2021 -- and unless there is something else in the record -- the historic record -- the Board of Zoning Appeals still has jurisdiction over the parking issue and over the paving.

Now the narrative says that the Board of Zoning Appeals granted a reduction in the number of parking spaces. So if this Board agrees on the de minimis parking, three (3) -- that would probably comport with what the Board of Zoning Appeals may have had in mind.

The issue seems to be the paving. It's the same business -- same activity, except for this ancillary flower business -- floral business. The significant year-round business is the same as existed in 1997, and I don't think that this Planning Commission has the jurisdiction -- the right to ignore the order from the Board of Zoning Appeals; and if the Board of Zoning Appeals said pave so much area -- and it doesn't say that here -- that's what is compelling right now -- otherwise, he would have to go back and vacate what's before the Board of Zoning Appeals.

So after that statement -- cutting to the chase, here -- if you wish to grant a waiver of the parking spaces to the de minimis number, that's probably permissible -- and I would say it is. However, you cannot deviate from whatever the Board of Zoning Appeals required in terms



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of paving unless the Board of Zoning Appeals vacates that order -- because it's the same business.

MR. RECH: Thank you, Mr. Dutton -- other comments?

MR. MASHORDA: I'm looking at an overhead view of the property, and I'm looking at my -- my option of the blacktop or concrete -- 56' wide, 34' from the building, out -- is that the area that you are saying that you want the parking spaces?

SOLICITOR DUTTON: If that question is directed to me, the Solicitor -- I don't know what the Board of Zoning Appeals ordered then. Our Zoning Administrator, probably, has that information -- or can retrieve that information.

MR. MASHORDA: If that's --

SOLICITOR DUTTON: Do you know what they ordered?

MR. MASHORDA: If that's the issue, I can -- I can blacktop that area, and I can go 40 foot if I have to -- and have it striped. The only reason that I wanted to blacktop or the concrete now -- is so I can put the trucks on there and roll carts.

And you've all seen carts. I think I sent some pictures of carts with my application. You know, you see them at Wal-Mart and K-mart -- so I can roll the carts in and out, easily and load trucks; and, you know, unload when people -- sometimes I get orders in, the customers will unload carts and leave them there.

So if that's the issue, you know, I can have that blacktop area striped, and that would create parking spaces; but as I said, I don't have any employees, so I'm the only one.

MS. BORDNER: So basically, at the time, this whole south end of the building -- which is kind of hard -- but you have a picture. You do have an overview in your packet -- that shows the aerial, and it would be this south end. The building concludes -- there's an east end. The back of the building is on the north side. That's the track side -- the railroad track side.

MR. MASHORDA: I know that. I know that.

MS. BORDNER: So this south end, in front of the entire length of that building, was what they had required Mr. Chaney to pave, and that he -- he actually --

MR. MASHORDA: That's the area that I'm going to pave -- from the south corner -- from the southwest corner to the corner of the building, under the window, when you walk inside the main entrance there. That's 56-feet wide. It might have been 56 and a half -- whatever it was -- and out 34 feet.

If you look at that, you can see the blacktop, where it comes out, and then it kind of ends right there. At least, on my photo, I can see where the blacktop ends; and I don't know if I mentioned out that far, but if that's the area that needs -- because there's already blacktop there. It just crumbled and fell apart. It's really kind of a mess right now -- but we are going to clean that up and re-blacktop that area, and I can have that striped. That's really not an issue. I have a friend that does striping professionally.

MS. BORDNER: So, essentially, there's -- I don't know if there's any storage units that are on this side. The length -- right here -- where he's talking about adding the garage door, at the far southwest corner; and then there's -- the office is in that little niche, where it's kind of like the L-shaped. So you would walk, you know, into the office from there. So I believe that what he's (INDICATING) --

MR. MASHORDA: Is everyone looking at an overhead of the front of the building?

MS. BORDNER: So I believe what he's referencing is blacktopping this area over here -- to where the door to go into the building is -- and, I mean, that would be the pleasure of the Board. I mean Mr. Chaney, as I said, was required to blacktop the entire length of the building from this south edge to this south line, which is where the fence is.

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MR. ROOK: Is the area that you're proposing to blacktop, large enough to handle the three (3) parking spaces and allow access into your building?

MR. MASHORDA: Well, the overhead door -- if you're looking at that little, small man-door there that's solid -- I believe it's about two feet (2') to the -- to the -- I think the door is going to be about two feet (2') to the east of that man door -- ten feet (10') across and 9 feet (9') high; and then from there, you would have enough space. You would have at least three (3) parking spaces -- plus you could have a parking space on the other side of the man door. That would actually create four (4) parking spaces.

And since I don't -- since I really only use that, you know, from when I work. I mean, when I - - when I come there, and I have a fundraiser, they use my van. So I pull it out and pull it back in, but it's only throughout my two (2) seasons that I use that overhead door a lot, and -- but I could actually put four (4) parking spaces in there if I needed to. I believe the minimum parking space is nine feet (9') wide.

(WHEREAS, THERE WERE INAUDIBLE CONVERSATIONS BETWEEN THE BOARD MEMBERS, OFF THE RECORD, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. MASHORDA: That office -- when you walk in that main entrance, where that little overhang is -- where that little niche -- the office is on the right -- that's a big, empty area there that Mr. Chaney had, and I probably won't even be using that.

My main concern is the extension of the flat of the big building. That's where I'm going to be 95% working out of. My carts and everything will be in there.

MR. RECH: Okay. So Mr. Dutton, if I understood you correctly, you're saying whatever the previous Board of Zoning Appeals -- is essentially in effect. So what we need to decide is to approve the Site Plan Review, with a minimum number of parking spaces, and then revert to the documentation from the Board of Zoning Appeals; is that correct?

SOLICITOR DUTTON: Yes.

MR. RECH: All right.

SOLICITOR DUTTON: But we don't know -- because you don't have the order from the Board of Zoning Appeals before us.

MR. RECH: Correct.

SOLICITOR DUTTON: We don't know if the Board of Zoning Appeals was clear in the area that needed to be paved. I'm going to speak louder. We don't have the order from the Board of Zoning Appeals before us. We don't, do we?

MR. MASHORDA: I heard you. I heard you.

MS. BORDNER: We do have it. It is -- I mean I did have it. I did not include it -- but what I can tell you is that it probably wasn't as clear as it should have been, Attorney Dutton. I'll be honest with you about that.

SOLICITOR DUTTON: Okay.

MS. BORDNER: And if there was a dialogue that was engaged in before both -- it was probably a joint effort between Planning Commission and what Mr. Chaney had discussed with Planning Commission -- and had asked for a waiver at that time, and they said "no" -- and so that's why he then went directly to the Board of Zoning Appeals.

So it was a conglomeration of both of those meetings, together, in terms of the discussion as to how much he would pave.

SOLICITOR DUTTON: Okay. So what you're saying is -- and again, not having the order before us, we cannot interpret it; but if the Board of Zoning Appeals said, "Pave the front of the building." Then, pretty much, you can draw lines the extent of the front of the building.

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If the Board of Zoning Appeals said, "Pave the area" -- that's vague and very uncertain. So is it possible that someone could go upstairs and get the Board of Zoning Appeal's decision?

MS. BORDNER: Yes.

SOLICITOR DUTTON: That would give us the ability to --

MR. MASHORDA: If I may, I don't know anything about what happened in 1997. I'm like -- wasn't privy to that. All I know is I'm telling you what I would do, as far as the paving -- or, you know, in the front of the building.

MAYOR HILL: Now, Mr. Mashorda, I will tell you that our Zoom meeting will be ending here in about six (6) minutes. So if you get cut off, we will call you back on the cell phone number, which is -- you've given to us, which is 720-4409. We will give you a call back and put you on the same phone. It just won't be through Zoom.

MR. MASHORDA: That's fine.

MAYOR HILL: So if you get cut off, and it's five (5) minutes and thirty (38) seconds -- if you get cut off, we will give you a call back, and you will talk to us just like you are now. It just won't be on Zoom.

MR. MASHORDA: Okay. (INAUDIBLE)

(WHEREAS, BOARD MEMBERS WERE SPEAKING TO ONE ANOTHER, OFF THE RECORD, AND THE COURT REPORTER COULD NOT HEAR THE APPLICANT.)

MAYOR HILL: We had unlimited, but we are going away from Zoom meetings, and we did hold this last Zoom meeting to try to accommodate you. So if we get cut off, we will call you back.

I see the Village Engineer is on here, too -- so I may give him a call back if he's needed.

MR. MASHORDA: Okay. Okay, all right -- and the people that will be doing the paving job are very experienced, and it won't be just a -- it won't be just putting blinders out. You know, we already have a base. They'll put a blinder, and then they'll put blacktop.

My cousin used to own Butch & McCree Paving. I don't know if you ever heard of them -- (INAUDIBLE) Butch?

(WHEREAS, MEMBERS OF THE BOARD WERE HAVING OFF THE RECORD DISCUSSIONS, AND THE COURT REPORTER COULD NOT HEAR THE APPLICANT. PROCEEDINGS WERE AS FOLLOW:)

MR. MASHORDA: He retired and sold out to Lindy, but his grandkids have taken over -- taken the paving business now. So I got about 70 years of experience. It will be a nice paving job.

I can say, my other friend -- he does striping for Wal-Mart and a lot of different companies, stores. He'll do a nice striping job. It won't be just something that we're throwing paint down on; and we can even create one (1) handicap spot if we need to -- that's not a problem.

(WHEREAS, THERE WAS INAUDIBLE, OFF THE RECORD, DISCUSSIONS BETWEEN THE BOARD MEMBERS, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. MASHORDA: And as I stated in my -- in my letter to the Planning Commission, it's not going to be any kind of retail -- no greenhouses or anything are going up, no permanent -- other buildings are going up.

At one time, I was going to put a -- I had planned on putting a -- I thought about putting a long -- a tall and wide, for the garage, but I abandoned that idea.

MR. RECH: Mr. Mashorda, we're going to -- we're going to end the Zoom thing and call you on your cell, because otherwise --

MR. MASHORDA: Okay.

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MR. RECH: -- we're going to read this into the record, and we're going to get cut off.

MR. MASHORDA: Okay, that's fine -- all right.

MAYOR HILL: Okay, Denise, if you wanted to hang that up, and I'll close this out; and I see the Village Engineer is on that -- Chris, if we need you, we will give you a call back on the cell phone, also. Thank you.

MR. KOGELNIK: Understood.

MAYOR HILL: Okay.

MS. DUGAN: Do you have Mr. Mashorda's cell number?

MAYOR HILL: Yes, 330-720-4409.

MS. BORDNER: Mr. Mashorda?

MR. MASHORDA: Hold on, please. Can you give me one (1) minute --

MS. BORDNER: Okay.

MR. MASHORDA: -- to put my ear pods in. Okay, I'm here.

MR. RECH: All right. All right, so Kellie, you're going to share with the group, the minutes from the previous meeting.

MS. BORDNER: Yes, sir -- what we have is the Planning Commission minutes from May 27, 1997. At page two (2) -- I'm not sure how to do this other than to just kind of read through it for you.

*Hays says, "What about parking? Is it required?"*

*Barnhart to Chaney says, "Were you going to pave this in the future?"*

SOLICITOR DUTTON: Barnhart was the Planning and Zoning Administrator at this time. Hays -- Doris Hays was a Member of the Board of Zoning Appeals --

MAYOR HILL: -- Planning Commission.

MS. BORDNER: -- Planning Commission -- this is Planning Commission.

SOLICITOR DUTTON: Okay.

MS. BORDNER:

*Mr. Chaney says: "Eventually, it will all be paved with blacktop. When we do the blacktop and drainage, there will be swails to retain the water."*

*Mr. Barnhart: "What about the parking for the back buildings?"*

*Mr. Chaney: "There will be no parking in the rear because it is just an alley."*

*Mr. Barnhart: "I checked the parking requirements for storage buildings, and there is nothing here. It is not addressed."*

*Mr. Dutton: "It would be under Commercial B."*

*Hays: "Whatever Commercial requires."*

*Chaney: "The only parking would be when customers unload vehicles."*

*Mr. Dutton: "It's like a warehouse. There's nothing on warehouses, so you have to apply the highest standard, which is Industrial and research."*

*Hays: "That's one for each 500 square feet. Is that 2,400 square feet per building?"*

*Chaney: "Is that per building or per land use?"*

*Hays: "Per building."*

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*Dutton: "You could do it per land use if you have common parking, like a strip plaza, with parking in the center."*

*Chaney: "That's what we'll have -- but gravel parking."*

*Dutton: "This doesn't really fit the Zoning Ordinance -- but in order not to be in violation of the Zoning Ordinance, you should have some designated parking. By this ratio, 8 to 10 spots for these two (2) buildings."*

*Mr. Hill: "How many cars can you get into that gravel lot where you have the auction?"*

*Chaney: "120".*

*Mr. Hill: "If that's all the same parcel, that ought to cover it, right there. 110 x 500 equals (=) 50,000 square feet."*

*Mr. Dutton: "You don't have the parking spaces designated, but you have to have open surface space adequate enough to park 8 to 10 cars, and you have that. You don't have to have striped parking. It's intended to control density. There's nothing in the Zoning Ordinance that speaks to a warehouse-type storage operation."*

*Mr. Hill: "I rounded it higher to 35,000 square feet and divided 500 into that. If he has 110, he is well within the requirement. That is one (1) lot, right Glen?"*

*Chaney: "Yes."*

MS. BORDNER: Moving on to page three (3):

*Mr. Hill said: "So you're covered, right Doris?"*

*Hays: "Yes. Are you going to asphalt all of it?"*

*Chaney: "The whole thing eventually. There's too much dust down there."*

*Barnhart: "1173.04 says it has to be marked."*

*Dutton: "Given the nature of this, the Zoning Board of Appeals can waive that."*

*Hays: "You may have to include that on your appeal."*

*Dutton: "It seems ridiculous to put parking lines. Do you understand that you have to raise that before the Board of Zoning Appeals to waive the striping?"*

MS. BORDNER: And it goes on -- but they talk about --

*Hays indicating that: "You have new buildings though. You can't force it on the old, but you can on the new. It doesn't make sense to pave the back and not the front. I would think you could get a continuance on marking the lots until the paving is done."*

*Chaney says: "Okay."*

*Hays says: "Depending on when you plan to do the asphalt, you may need to get something from the Board of Zoning Appeals on the blacktop."*

MS. BORDNER: Mr. Chaney asked if there's a period of time on the driveway to be finished, and Mr. Hill indicates that they have granted different time periods -- and asked how long that they allowed someone else to do it -- and then he speaks about having to go to the Board of Zoning Appeals.

So it goes -- that was the indication relative to the paving -- and then there is minutes from the Board of Zoning Appeals on June 9th, 1997, and on page two (2), Mr. Chaney indicates that --

(WHEREAS, THE ZOOM TELEPHONE LINE WAS RINGING, AND MS. BORDNER ANSWERED IT. IT WAS MR. MASHORDA, WHO WAS DISCONNECTED. PROCEEDINGS WERE AS FOLLOWS:)

MAYOR HILL: He must have got lost.

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MS. BORDNER: Mr. Mashorda?

MR. MASHORDA: My call got disconnected. I don't know why -- anyhow, continue on.

MS. BORDNER: Okay, so on page two (2) of June 9th, 1997.

MR. MASHORDA: (INAUDIBLE) -- page three (3) when I got disconnected.

MR. RECH: Repeat what you said, sir.

MR. MASHORDA: I don't know what she's picking up at -- but she was already past page three (3). I think she was going into -- ending page three (3) or going into the next page when my call got disconnected.

MAYOR HILL: It's a different meeting, Mr. Mashorda. Let her finish, please.

MR. MASHORDA: I'm sorry. I didn't know that.

MR. RECH: Go ahead, Kellie.

MS. BORDNER: Okay. So it's in the Board of Zoning Appeals -- Mr. Biggs was one of the members, and he asked whether the front parking lot is already blacktopped.

*And Mr. Chaney indicates that: "No, it is not. About 1/2 of it is, where they did State work, and right up against the building is blacktopped."*

So he continued talking about that, and what the use will be and what kind of blacktop that they would be using.

*And Mr. Biggs says: "I'd like to see arrangements, where we could give Glen some time for this paving, but maybe put a time limit of "X" number of months and let him get the front part paved in the area around Building #2" -- which is the building in question that we're talking about in this meeting, tonight -- "and forgo the rest of it until the buildings are up."*

*And Mr. Chaney said: "Yes."*

And that is exactly what they gave him -- the front part of the building -- paving it -- and the area around building number two (2). That's how it was described.

SOLICITOR DUTTON: So for those of you who are familiar with -- I'm talking about the Planning Commission, here -- those of you, on the Planning Commission, who are familiar with this building and this location, are you able to take one of these exhibits -- these pictures -- aerials, or whatever -- and draw lines that correspondence with what the Board of Zoning Appeals had ordered -- hopefully, to the satisfaction of the Applicant.

MAYOR HILL: If I look at the Google maps -- which says 5787 aerial view, and you're looking down -- you see one (1) car to the right of the entrance to the fence, and you see several vehicles to the left-hand side, abutting the fence on the west-hand side; and it looks like the parking lot comes past the gate -- I'm going to take a guess -- 30 foot, 40 foot -- right here? (INDICATING) I would be happy if he would pave in front of his one building where he plans on putting the doors.

SOLICITOR DUTTON: Arno, it's not what you're happy with.

MAYOR HILL: I know.

SOLICITOR DUTTON: It's what is required by the Board of Zoning Appeals.

MS. DUGAN: Which would be this rectangle? (INDICATING)

MR. SHAFFER: Do we have any idea how much of this was even paved to begin with -- because whatever was paved, is all deteriorated.

MS. BORDNER: Mr. Chaney indicated that he paved in front of it. So, in this case, the front part would be this south part. So he indicated that he paved all this area, here. He also indicated that he paved in between -- what's referenced as building number two (2), and this back building here -- so in here. (INDICATING)

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Much of it, as you have said, is very deteriorated. If anybody got the chance to go down there, besides Mr. Reider, you would see that.

SOLICITOR DUTTON: Why don't you draw lines, and have people initial it?

(WHEREAS, THERE WAS AN INAUDIBLE DISCUSSION BETWEEN SOLICITOR DUTTON AND MS. BORDNER.)

MR. SHAFFER: Of everything that was paved back in 1997, does that meet the requirements that they set up in '97?

MAYOR HILL: And I said -- I think, at the time, it probably did because it never came back up, and that was 24 years ago.

MR. SHAFFER: Is that what was required in '97 -- what was done then or --

MS. BORDNER: I mean, as we've discussed it, there is some vagueness.

SOLICITOR DUTTON: I have not seen the building. It's not my job to see the building.

MR. SHAFFER: I'm okay with that, too --

SOLICITOR DUTTON: You guys live here.

MR. SHAFFER: -- as long as that's okay with what he's proposing, I'm fine with that.

MS. BORDNER: I would believe so. I'll see what Mr. Hill thinks. He was on the Board at the time. Perhaps he'll have some recollection?

SOLICITOR DUTTON: Kellie, you're going to have to identify this, and read it into the record --. (INDICATING)

MS. BORDNER: Okay.

SOLICITOR DUTTON: -- what was done -- the origin of this photograph, here.

MS. BORDNER: I'll do my best.

(WHEREAS, THE BOARD REVIEWED THE DIAGRAM, MARKED AND INITIALED, IF THEY AGREED TO IT, AND PROCEEDINGS WERE AS FOLLOWS:)

SOLICITOR DUTTON: Yes, if you agree to it.

MAYOR HILL: All right, now -- now, if he does not agree with that, does he have the right to go to the Zoning Appeals Board?

SOLICITOR DUTTON: Yes.

MAYOR HILL: He has the right to go to the Zoning Appeals Board if he doesn't agree with that.

MR. HODAK: Okay.

SOLICITOR DUTTON: And show it to his representative.

MS. BORDNER: Yes, sir.

MR. HODAK: Do you want me to come up, Miss Bordner?

MS. BORDNER: I'll come to you.

MR. RECH: Introduce yourself, sir -- so we may have it for the record.

MR. HODAK: I'm Michael Hodak.

MR. RECH: Very good.

SOLICITOR DUTTON: Mr. Hodak, perhaps you could take a picture of it with your smart phone and e-mail it to your client.

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(WHEREAS, MR. HODAK TOOK A PICTURE OF THE DIAGRAM ON HIS CELL PHONE, WITH THE INITIALED AND PROPOSED LINES, AND SENT IT TO MR. MASHORDA TO REVIEW. PROCEEDINGS WERE AS FOLLOWS:)

SOLICITOR DUTTON: Now, for the record -- ordinarily, you would attach this as an exhibit to the transcript, which we will do -- but you would accompany it with narrative, showing the dimensions. In other words, the north, south, east or west line -- 30 feet, 40 feet, 50 feet -- but we don't have those measurements.

So Kellie, try to interpret the photograph -- you know, where the grass meets the fence -- off the fence, whatever.

MS. BORDNER: Okay, so what we have is an aerial view from Google maps, and it shows the front building, which was previously referenced as building number two (2).

You can see, on the left, Tod Avenue; and then you see a grassy area, and then you see the driveway that comes down into the parking area and the buildings that are All Seasons Storage.

Surrounding the perimeter of the property, is a fence -- and you can see that well in this aerial view. You can almost see where this driveway comes down in.

(WHEREAS, THERE WAS AN OFF THE RECORD DISCUSSION BETWEEN MS. BORDNER AND MS. DUGAN, AND PROCEEDINGS WERE AS FOLLOWS:)

MS. BORDNER: So if you see where the driveway comes down in, there is -- as Mr. Hill indicated -- a car, a white car to the right-hand side, and there are various cars -- and it looks like maybe trailers or something on the left-hand side, running along the fence.

So it looks like coming down -- kind of right to where that driveway ends -- and the parking area or the main area would begin -- that's where the line would be drawn across.

So this would be a line that would go from -- so if we take a line from the end of the building, on that west-hand side, and draw it straight toward the driveway, and then make a perpendicular line then, of course, that would run straight across, south, it would be -- just as you get in -- if you look at this map, you can see like a little, grassy area in the right-hand corner -- which will take you, essentially, to the east side of the building; and it creates a rather perfect kind of rectangle there.

So it's greater than what Mr. Mashorda had indicated for his loading and unloading pad, and certainly encompasses more of the parking lot, but not into that grassy area; and Mr. Hodak has -- hopefully, by now -- sent the picture to Mr. Mashorda so that he can see what we're talking about.

All of the Planning Commission Members have initialed this as being acceptable to them, and this is a picture that I can, then, send to Mr. Mashorda, also, by e-mail tomorrow morning.

SOLICITOR DUTTON: And the Planning Commission believes that this is what was intended from the Order from the Board of Zoning Appeals?

MS. BORDNER: Yes.

SOLICITOR DUTTON: That's what's important, here.

MS. BORDNER: Yes.

SOLICITOR DUTTON: Okay, thank you.

MAYOR HILL: Now, if this is not acceptable to him, he has the right to appeal to the Board of Zoning Appeals?

SOLICITOR DUTTON: Yes.



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MAYOR HILL: If he would like to get this resolved tonight -- give him a certain time, deadline -- whether it be six (6) months, whatever. Because I will tell you right now, with the way the economy is going, you -- you're lucky to try to get anybody who's going to get a job within the next six (6) months to a year -- okay?

MR. RECH: Mr. Mashorda, did you receive that photo?

MR. MASHORDA: I'm looking at it.

MR. RECH: Okay.

MR. MASHORDA: So I would like to say something. Putting blacktop in front of the storage units, there, when you go east of the -- that main building is split in two (2) parts. I call it the small part and the big part. So the big part, the storage units are outside -- so now you're creating blacktopping in front of those storage units, where you don't have blacktopping in front of any other storage units.

My main concern with the blacktopping is -- now, I'm looking at the driveway coming in -- I could extend that driveway, down. If you look at that picture, and you look in front of the small building, you see a little dark line running across -- running east to west?

MAYOR HILL: Yes.

MR. MASHORDA: Okay. That little, dark line is pretty much where I was going to come out with my blacktopping. So in essence, I could extend that driveway to reach -- to reach that blacktopping that I was going to do; but my main concern about blacktopping -- because you have a farmer next door, and I spent my life in agriculture -- okay? When you create too much blacktop, and you have a farmer next door, you're going to get runoff from that blacktop, and it's going to take years for that creosote and those chemicals in that blacktop, before they leach out; and if that leaches into that farmer's fields, he's going to have some problems there.

I've -- I've spent 45 years in agriculture, so I know what I'm talking about; and I had said to the Zoning Inspector, in an earlier meeting, that that was one of my main concerns with the blacktopping. Too much blacktop will create a problem for that man -- and you're talking about a very large space there.

And I've got an acre and a half of blacktop in my garden side -- maybe almost two (2) acres of blacktopping, so I know what can happen -- what it does, and what it can create; and created some problems for me in my nursery area -- because of the leaching of the creosote and the chemicals that are in the blacktop, so -- and another thing is, you know, there's going to be blacktopping, now, in front of the storage units there, which has always been gravel or whatever it is.

I don't plan on using any grindings. I normally use blacktop -- a blacktop in my (INAUDIBLE). So, like I said, my original plan was to go where that line comes across. I think I had mentioned that -- I thought it was 34 feet when I wrote this up, but it might have been more; and then I could easily extend that driveway to be within the back.

That's all I can really say about that.

MR. RECH: Okay. Denise, do you have questions?

MR. MASHORDA: If you wanted -- if you wanted -- if I can get a variance on that, I could -- so if you have the two (2) buildings meet there, and you have the large building, and that could run that perpendicular blacktop out to your line -- that goes east and west. So I can go 56 feet -- that I want to do -- and then instead of going out, I could create blacktop all the way out -- going north and south to your east and west line -- that would create a big, huge area right there of blacktop --

MR. RECH: Okay -- yes, Denise?

MR. MASHORDA: -- if you want me to.

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MR. RECH: Hold on, Mr. Mashorda.

MS. DUGAN: One of the jobs that I do is -- I notify abutting property owners. So the property that he's speaking of, that's owned by a farmer, is Ronald and Karen Krisher's property. Ronald was notified -- and interestedly, Mr. Krisher used to be a member of the Planning Commission, so he is well aware of what would be discussed tonight -- what the requirements would be, and he has expressed no interests or concern.

MR. RECH: All right, thank you.

SOLICITOR DUTTON: Mr. Mashorda, this is Paul Dutton, again, the Solicitor. Your arguments may have merit, and they may be persuasive, but this is the wrong pew in the right church. This Planning Commission cannot -- and does not have jurisdiction to ignore what, in 1997, the Board of Zoning Appeals ordered -- despite being somewhat vague or ambiguous.

In 1997, Mr. Chaney appealed the decision of the Planning Commission concerning paving, and the transcript that was read into this record, shows that the Board of Zoning Appeals proposed to pave the entire front of the building -- and to do it, in stages, when the other building was constructed -- and Mr. Chaney agreed to do it.

So your argument should be made before the Board of Zoning Appeals -- if that's what you wish to do; but this Planning Commission doesn't have the authority to ignore what currently exists; and, in fact, the person who you purchased this from is the one who should have completed this paving some 23 years ago.

MAYOR HILL: Well, he may have, using the grindings -- but it's gone bad.

SOLICITOR DUTTON: Okay.

MAYOR HILL: So he may have completed that, and now --

SOLICITOR DUTTON: Well, we don't know.

MAYOR HILL: -- we don't know.

SOLICITOR DUTTON: What we do know -- what we do know is that there's an Order outstanding.

MR. RECH: Okay -- anything else?

MAYOR HILL: Let's address the variance for parking first -- and we can do that, correct Paul?

SOLICITOR DUTTON: Yes.

MAYOR HILL: I'll make a motion that we approve three (3) parking spaces.

MR. RECH: Okay. We have a motion on the Site Plan Review for All Seasons Storage and Mashorda's Plant and Flowers for a minimum of three (3) 10' x 20' parking places striped in front of the building. Is there a second on that?

MR. SHAFFER: I'll second that.

MR. RECH: All right, we have a first and a second -- any additional comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: Hearing none, roll call on the motion, please.

MS. DUGAN: Arno Hill?

MAYOR HILL: Yes.

MS. DUGAN: Tim Rech?

MR. RECH: Yes.

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MS. DUGAN: Don Reider?

MR. REIDER: Yes.

MS. DUGAN: Richard Rook?

MR. ROOK: Yes.

MS. DUGAN: And Bob Shaffer?

MR. SHAFFER: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right. So that's taken care of for the waiver.

MAYOR HILL: Now, if Mr. Mashorda wishes to move this to the Board of Zoning Appeals and plead his case there, that's about the only thing left, other than if we approve the Site Plan -- other than that, and see if he appeals that to the Zoning Appeals Board; am I correct?

That's all there is -- is we can approve the Site Plan, with the exception of that; and if he wants to, he can appeal that to the Board of Zoning Appeals.

MS. DUGAN: Well, wouldn't we have to approve it with it; and then if he didn't like it, he would have to appeal it?

MAYOR HILL: That's what I'm assuming.

MS. DUGAN: Okay, that's not what I thought you said. I'm sorry.

MS. BORDNER: We would approve it with the dimensions that were drawn --

SOLICITOR DUTTON: Yes, that's the Exhibit. (INDICATING)

MS. BORDNER: -- and this would be the Exhibit (INDICATING) -- and this would be the area which the Planning Commission is saying would need to be paved.

If Mr. Mashorda did not want to pave that, he could appeal this decision by paying the appropriate deposit and filling out all the necessary paperwork to go to the Board of Zoning Appeals --

SOLICITOR DUTTON: -- on this one (1) issue --

MS. BORDNER: -- on this one (1) issue.

SOLICITOR DUTTON: -- or whatever issues he wants, but this one (1) issue, yes.

MS. BORDNER: Correct.

SOLICITOR DUTTON: Yes.

MAYOR HILL: And that is, what -- \$300 less expenses -- and he would get any money returned.

MS. DUGAN: Well, that doesn't happen much anymore between the legal ad and the cost of postage, there usually is an amount that is due -- or the refund is in the neighborhood of \$25.

MAYOR HILL: Okay.

MR. REIDER: So, Mr. Chairman, we are going to vote on approving what we initialed.

SOLICITOR DUTTON: Correct.

MR. RECH: Yes, sir -- and we will call that Exhibit "A" or whatever you want to call it.

MR. REIDER: I can make that motion.

MS. BORDNER: Yes -- so we can call this Exhibit "A".

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(WHEREAS, EXHIBIT "A" WAS MARKED BY MS. BORDNER, FOR IDENTIFICATION PURPOSES, AND TO BE RETAINED BY THE PLANNING AND ZONING OFFICE, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: Okay, so we have a motion before us for Site Plan Review Not Involving New Construction for All Seasons Storage and Mashorda's Plants and Flowers, with the inclusion of Exhibit "A" -- that shows the detailed description of the proposed paving, as indicated and initialed by the Members of the Planning Commission.

We have a motion from Mr. Reider. Do we have a second on that?

MR. ROOK: Second.

MR. RECH: We have a second from Mr. Rook -- any additional discussion?

MAYOR HILL: Yes, is there a time frame on that?

MS. BORDNER: I would like to offer that -- in all honesty, Mr. Chaney was given a year; and I know that that sounds excessive, but we are in some trying economic times.

MAYOR HILL: I agree. I agree.

MR. REIDER: That's true.

MS. BORDNER: And I certainly think --

MAYOR HILL: -- and that also gives Mr. Mashorda a year if he would like to file on that.

MS. BORDNER: No, he only has thirty (30) days to file an appeal.

MAYOR HILL: Okay, I just wanted to get that clarified for Mr. Mashorda.

MS. BORDNER: Yes, he would have thirty (30) days within which to file his appeal. I can send him all the appeal information by e-mail, along with this Exhibit, tomorrow.

MR. RECH: Okay. Mr. Reider and Mr. Rook -- are you okay with that in the original motion?

MR. REIDER: Yes.

MS. BORDNER: So one (1) year?

MR. RECH: One (1) year, correct -- all right, very good -- could we have roll call on that, then, please?

MS. DUGAN: Yes, sir -- Tim Rech?

MR. RECH: Yes.

MS. DUGAN: Don Reider?

MR. REIDER: Yes.

MS. DUGAN: Richard Rook?

MR. ROOK: Yes.

MS. DUGAN: Bob Shaffer?

MR. SHAFFER: Yes.

MS. DUGAN: Arno Hill?

MAYOR HILL: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: Okay, that passes. Okay, Mr. Mashorda, we thank you for your time. Kellie will be in touch.

MR. MASHORDA: Okay.

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MR. RECH: Thanks, sir.

MR. MASHORDA: Thank you, everybody, for listening to me -- and letting Mike represent me tonight; and I hope I've answered any questions, and I've been as honest as I possibly can be with everybody -- just so you know that.

MR. RECH: We appreciate it, sir -- have a good night.

MR. MASHORDA: Everybody have a good evening -- thank you, goodbye.

MR. RECH: Mr. Hodak -- you had a question?

MR. HODAK: Can I make a comment before I have to leave?

MR. RECH: Yes, go ahead.

MR. HODAK: I just want to take this opportunity -- in handling this transaction, from Glen Chaney to Mr. Mashorda, we ran into a multitude of issues -- surveys and Zoning issues, and one parcel didn't -- you know, needed to be rezoned and all that -- and I just wanted to extend, in front of this Body, a personal thank you to Ms. Bordner for going above and beyond the call of duty.

She straightened that -- those zoning issues out, where it was going to take six (6) months -- but she put in a lot of hours and dug up a lot of information; and I think she did an exceptional job, and I wanted to say that in front of this body.

MR. RECH: Thank you, sir, we appreciate that -- have a good night.

MR. ROOK: Woof, woof, Kellie.

**NEW BUSINESS: 2. Site Plan Review Not Involving New Construction for The Lordstown Comeback, 2660 Salt Springs Road, Lordstown, Ohio.** The Planning Commission followed this form that follows Section 1116.03 of The Planning & Zoning Code:

NAME: The Lordstown Comeback

ADDRESS: 2662 Salt Springs Road

1. **Existing zoning of the property:** B-1 General Business.
2. **The floor plan of intended building for specific use:** Applicants have proposed using the existing 42' x 58' structure, along with the existing 12' x 28' addition as a convenience store with walk-in coolers. The existing drive-thru window will be used. There is a former 16' x 24' Ice Cream Shop that will also be used by the applicants for storage at this time and may eventually be used as walk-up food service windows. A small addition has been constructed between the two existing structures that is being used for tool storage. This new structure has not been issued a Zoning Permit. Applicants must apply for a Zoning Permit and will need to contact Trumbull County to see if a Building Permit is required.
3. **Location and dimension of all off-street parking and loading areas including the number of spaces:** Lordstown Codified Ordinance 1163.06 requires one 10' x 20' parking space for every 200 square feet. The existing structures are 3156 square feet, which would require 16 parking spaces. Applicants have submitted a diagram showing 10 parking spaces, one walkway and one handicapped accessible parking space. Lordstown Codified Ordinance 1163.04 requires that the parking area for a business shall be surfaced with a dustless, durable all-weather pavement, with parking spaces clearly marked. Lordstown Codified Ordinance 1163.05 requires one loading space for each 8,000 square feet of gross floor area. The existing structures are 3156 square feet, below the requirement.
4. **Location, size, height and orientation of all signs, both existing and proposed:** A new 8' x 7' sign was installed on an existing 20' post. Applicants have been issued a Zoning Permit for the sign.
5. **Location of all streets project is fronting on:** Intersection of Salt Springs Road and Lyntz Road.
6. **Other information required by the Planning Commission:** Applicants state that they will be open seven days a week: 8 a.m. to 9 p.m. Monday- Thursday; 8 a.m. to 10 p.m. Friday & Saturday; and 11 a.m. to 8 p.m. on Sunday. Business will be operated as a

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convenience store selling fresh pizza, wings and sandwiches. Lottery tickets will be available for purchase.

The property is currently owned by Frank Mark Stishan, Jr. and Cynthia E. Stishan per the Trumbull County Auditor. Brian R. Gibson and Dennis E. Valot, Jr. have a two-year Lease Agreement with Privilege Option to Purchase signed on December 1, 2020.

MR. RECH: All right, very good. We'll move on to item number two (2), Site Plan --

MS. DUGAN: Yes, we have a Site Plan Review for the Lordstown Comeback at 2660 Salt Springs Road. This evening, we have Mr. Gibson and Mr. Valot present, who will answer any questions we have.

The existing zoning of the property is B-1 General Business.

The floor plan of intended building for specific use: Applicants have proposed using the existing 42' x 58' structure, along with the existing 12' x 28' addition, as a convenience store with walk-in coolers. The existing drive-thru window will be used. There is a former 16' x 24' Ice Cream Shop that will also be used by the Applicants for storage at this time and may eventually be used as a walk-up food service window. A small addition has been constructed between the two (2) existing structures that is being used for tool storage. This new structure has not been issued a Zoning Permit. Applicants must apply for a Zoning Permit and will need to contact Trumbull County to see if a Building Permit is required.

Location and dimensions of all off-street parking and loading areas, including the number of spaces: Lordstown Codified Ordinance 1163.06 requires one 10' x 20' parking space for every 200 square feet. The existing structures are 3,156 square feet, which would require 16 parking spaces. Applicants have submitted a diagram showing ten (10) parking spaces, one (1) walkway, and one (1) handicap-accessible parking space.

Lordstown Codified Ordinance 1163.04 requires that the parking area for a business shall be surfaced with a dustless, durable all-weather pavement, with parking spaces clearly marked.

Lordstown Codified Ordinance 1163.05 requires one (1) loading space for each 8,000 square feet of gross floor area. The existing structures are 3,156 square feet, below that requirement.

Location, size, height and orientation of all signs, both existing and proposed: A new 8' x 7' sign was installed on an existing 20' pole. Applicants have been issued a Zoning Permit for the sign. Variance 94-5 was granted to permit a sign exceeding 50 square feet in size. That would have been in 1994, to previous owners, but the new sign meets the requirements.

Locations of all streets project is fronting on: The intersection of Salt Springs Road and Lyntz Road.

Other information required by the Planning Commission: Applicants state that they will be open seven (7) days a week -- hopefully, 8:00 a.m. to 9:00 p.m. Monday through Thursday; 8:00 a.m. to 10:00 p.m. Friday and Saturday; and 11:00 to 8:00 p.m. on Sunday.

Business will be operated as a convenience store selling fresh pizza, wings and sandwiches. Lottery tickets will be available for purchase.

The property is currently owned by Frank Mark Stishan, Jr. and Cynthia E. Stishan, per the Trumbull County Auditor. Mr. Gibson and Mr. Valot have a two-year Lease Agreement with Privilege Option to Purchase signed on December 1st of 2020.

As I said, both gentlemen are here. They could probably answer any questions. I know that they have concerns about their parking lot and the shape that it was left in by the fiberoptic people, I believe.

MR. GIBSON: Yes, they brought big trailers full of water and everything, and really like -- the parking lot wasn't near as bad as it is today because of that. And it is on record, and we're supposed to be getting a hold of the company and seeing what they can do about it.

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MR. VALOT, JR.: They're doing, like, U-turns in our parking lot -- going around, and back and forth, and back and forth, and kept turning around, and kept going -- full of water. It was just tearing it up, bad.

MS. DUGAN: The Police Chief did not have any concerns about the business reopening. The Fire Chief did a soft walk-through today and spoke with the gentleman, and there are a few things -- he's going to go back, and then he will have his approval. I presume they had no issues with the Water Department because there was water service there.

MR. GIBSON: Right.

MS. DUGAN: So that's all the information that I have. The only reason they're here is to meet our Ordinance because it's been closed for a period of time --

MAYOR HILL: If it would have been opened up sooner, we would have been able to just roll it right through, right?

MS. DUGAN: Well, probably, except for the connection they made between the two (2) buildings.

MAYOR HILL: Okay.

MR. RECH: So this is new construction, gentlemen? Is there --

MR. GIBSON: Yeah. So when we did that, we were just doing a walkway, from one building to the other; and then we -- somebody made a point to us, and it made good sense -- that at nighttime, employees are going from one to the other, it could be a hazard -- as far as being dark and leaving -- opening up the back door for, you know -- someone to, you know, rob somebody or do something like that.

So that's when we just kind of thought -- well, it's an inexpensive way -- we'll cover it over -- so if somebody doesn't realize, when we go from one building to another -- and it will be safer for all employees.

MR. RECH: Okay.

MR. GIBSON: That was the -- the reasoning behind it.

MR. SHAFFER: Has all the permitting been satisfied for that?

MR. GIBSON: We didn't actually -- so again, we just was doing the concrete walkway, so I didn't feel that -- I didn't know that we needed a permit for that. Do you know what I mean?

And then, again, it just kind of happened as far as putting up the metal (INAUDIBLE) -- so I did not get a permit for that.

MR. SHAFFER: Okay.

MS. DUGAN: They wouldn't have needed a permit for the concrete -- just the walkway. That would have been fine because it's less than six inches (6") out of the ground; but it's once they enclosed it -- at first, I thought it was just two (2) fences; and then the gentlemen were nice enough to let me into the building and look at it -- and then I realized that it had a roof and a door.

MR. SHAFFER: And I understand that -- but right here it says, "The new structure has not been issued a Zoning Permit. Applicants must apply for a Zoning Permit and have to contact Trumbull County to see if a Building Permit is required." So have you contacted Trumbull and --

MS. DUGAN: They did not know that.

(WHEREAS, MULTIPLE SPEAKERS WERE TALKING OVER ONE ANOTHER, AT THE SAME TIME, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. GIBSON: This is the first time that we realized that we needed to do that, so -- I mean that's, you know, I guess --

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MS. DUGAN: I just really didn't want them to have to go through Site Plan Review Involving New Construction -- because then you must apply and have the engineers involved, and -- for such a small --

MR. SHAFFER: Well, then I'm okay with that. I just wanted to make sure that they do follow up with what's -- with what's required.

MS. DUGAN: Sure.

MR. SHAFFER: That's the big thing.

MR. RECH: If I'm reading this, do we need a waiver, then, on parking spaces -- from 16, down to 10?

MR. GIBSON: Yeah, I mean, I don't -- we're going to have a hard time getting 16 spaces in there, and still be able to keep that drive-thru window accessible. I mean, I think that 16 is going to be excessive for us to get in there.

MR. RECH: And you're showing 10, currently, correct on one of your sketches?

MR. GIBSON: Correct.

MR. RECH: Okay -- any other questions?

MAYOR HILL: I have one. I know everybody has been talking and waiting for this place to open up. We're talking about the paved parking lot, which is tore up -- and marking it and everything; and I did stop in and ask them one day when he was going to be opening up, and they said you are planning on future paving, then, correct?

MR. GIBSON: Absolutely, yeah.

MAYOR HILL: Do you know how soon that would be?

MR. GIBSON: Well, realistically, I mean, if we could get until, like, next year at this time, I think that that would be, you know, doable for sure; but I don't see it being done -- you know, two (2) reasons. One (1) we're just opening -- so there's a lot of money going out, and none coming in at the moment.

Secondly, I think we'd be hard-pressed to get it done with the current situation -- getting somebody in there before fall to actually get it done, even if funds weren't an issue, so --

MS. BORDNER: Plus, you still have the issue going on with the fiberoptic company that may help you with some of that expense, correct?

MR. GIBSON: Yes, offset the -- yeah, because like I said, it wasn't near that bad out there; but they were bringing these big water tankers in, which -- you know, weigh thousands and thousands of pounds; and they were, literally -- and we have pictures of everything, you know, and just -- when they turn that trailer, it just rips the blacktop up, you know.

MR. REIDER: When it's hot -- even the fiberoptic coils -- you know, those trucks, they're very heavy, too.

MR. GIBSON: Oh, yeah, absolutely.

MR. REIDER: And they dig. They dig.

MR. GIBSON: And we submitted pictures -- I mean they, literally -- they was using it for their own parking spaces and using it for daily operations for a couple of weeks.

MAYOR HILL: And they weren't pleasant to deal with.

MR. GIBSON: No -- yeah, that's another whole issue.

MAYOR HILL: So, basically, what we're looking at now is a waiver from 16 to 10 -- and are we going to require them to mark the spaces if they plan on repaving?

MS. BORDNER: I think the spaces are -- are they marked already, or no?



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MR. GIBSON: No, they're not marked. There's like vehicle stops up there, so it kind of gives you an idea of spaces right now, but they're not, like, literally marked with paint, no.

MS. BORDNER: Well, I mean, in all honestly -- and in fairness -- we just gave Mr. Mashorda a year; and he certainly can't mark spaces for parking until he has it paved.

MR. REIDER: Certainly.

MAYOR HILL: Well, you know that's -- that's what I'm saying. So, basically, if everybody here is happy with what we have right now -- if we give him a waiver from 16 to 10, and give him a year for paving and striping -- is there anything else they'd need, Kellie, if everyone else is --

MS. BORDNER: They just need to come and get their permit for the addition.

MR. VALOT, JR.: Okay.

MAYOR HILL: I don't have a problem with that.

MR. RECH: Okay.

MR. VALOT, JR.: Now, do we just come see you?

MS. BORDNER: Just come to the office.

MR. VALOT, JR.: Okay.

MAYOR HILL: And we are open.

MS. DUGAN: Yes, we don't have to meet you in the parking lot anymore.

MAYOR HILL: I'll make a motion -- do you want that all in one -- or do you want waiver, and then Site Plan approval -- or put it all in one?

MS. BORDNER: Do the waiver.

MAYOR HILL: I'll make a motion waiving the parking from 16 spaces to 10 spaces -- and the parking lot one (1) year with striping and paving.

MR. SHAFFER: I'll second that.

MR. RECH: All right, so we have Mr. Hill and Mr. Shaffer making a motion and a second -- any discussion?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: Okay -- roll call on the waiver, please.

MS. DUGAN: Yes, sir -- Don Reider?

MR. REIDER: Yes.

MS. DUGAN: Richard Rook?

MR. ROOK: Yes.

MS. DUGAN: Bob Shaffer?

MR. SHAFFER: Yes.

MS. DUGAN: Arno Hill?

MAYOR HILL: Yes.

MS. DUGAN: And Tim Rech?

MR. RECH: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

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MR. RECH: Okay, now we need to approve the actual Site Plan Review for the Lordstown Comeback, 2660 Salt Springs Road, Lordstown, Ohio -- is there a motion on that?

MR. REIDER: So moved, Mr. Chairman.

MR. RECH: All right, Mr. Reider -- is there a second?

MR. ROOK: Second.

MR. RECH: Mr. Rook -- any additional discussion?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: Hearing none -- roll call, please.

MS. DUGAN: Yes, sir -- Mr. Rook?

MR. ROOK: Yes.

MS. DUGAN: Mr. Shaffer?

MR. SHAFFER: Yes.

MS. DUGAN: Mr. Hill?

MAYOR HILL: Yes.

MS. DUGAN: Mr. Rech?

MR. RECH: Yes.

MS. DUGAN: Mr. Reider?

MR. REIDER: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: Okay, that carries -- thank you. Thank you all for coming.

MS. DUGAN: I must tell you -- I was inside. It is very nice. It is very clean. It is very bright. It looks wonderful. I'm looking forward to having the opportunity to go in it and purchase things.

MR. GIBSON: Thank you.

MAYOR HILL: Now, what's your time deadline to open?

MR. GIBSON: Well, so my son graduates this year, so we're having the graduation party next weekend. So right after that, we're going to start, you know, around the first of July.

MAYOR HILL: Get your permits you need.

MR. GIBSON: We're on it.

MAYOR HILL: Okay.

MR. GIBSON: All right, gentlemen -- we appreciate all the help.

MR. VALOT, JR.: Thank you. Thank you.

**NEW BUSINESS: 3. Site Plan Review for Alan Tura, dba Fear Forest, Inc. Parking Lot Expansion, 6878 Tod Avenue SW, Lordstown.** The Planning Commission followed this form that follows Section 1115.04 of The Planning & Zoning Code:

The Village of Lordstown Site Plan Review

NAME: Alan Tura, dba Fear Forest, Inc. Parking Lot Expansion

Tom Bowser, Engineer for Buckeye Civil Design, LLC of North Lima, Ohio on behalf of Fear Forest

ADDRESS: 6878 Tod Avenue, SW, Warren, Ohio 44481

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Date of Planning Commission Meeting: June 14, 2021

1. **Total area in the development:** 68.8 acres
2. **Existing Zoning of the property:** B-1      **Property to the North:** B-1/R-1  
**Property to the South:** R-1/I-1      **Property to the East:** B-1/R-1  
**Property to the West:** R-1
3. **Public and private right-of-way and easement lines located on or adjacent to the property:** There is a variable right-of-way along Tod Avenue.
4. **Existing topography:** The site slopes from southeast to northwest at an approximate 2.0% slope.
5. **Proposed finished grade of the development:** Finished grade will remain the same with an overall site slope of approximately 2.0%.
6. **Location of existing buildings:** There are five (5) existing structures on site. A haunted house building used during the Halloween season is located on the north side of the site. A staging area/ticketing building is located in the middle of the property. The Haunted House is approx. 52'W x 140'L x 18'H and has a canopy of 24'W x 40'L x 18'H on the southwest corner of the building. The ticket building is approx. 48'W x 96'L x 23'H. There are also two (2) 24'W x 24'L x 16'H open pavilions and one (1) 18.5'W x 40'L x 16'H pole barn, which are all located along the hayride route.  
**Location of proposed building:** No new buildings are proposed.  
**Uses of existing buildings:** All existing structures are used for the Halloween season in various capacities.  
**Uses of proposed buildings:** Not applicable.  
**Total number of buildings:** 5 existing  
**Dimensions:** As already stated above for 5 existing structures.  
**Heights:** As already stated above for 5 existing structures.  
**Gross floor area:** The gross floor area of the existing structures are: the ticket building office - 4,608 SF, haunted house – 7,280 SF, the 2 pavilions on the hayride route – 576 SF and the pole barn on the hayride route – 740 SF.  
**Number of stories:** All existing structures are one-story.
7. **Location and dimension of:**  
**Curb cuts:** The curb cut on Tod Avenue is 24' wide with the center line located approximately 72' south of the intersection of the northern property line and the right-of-way line.  
**Driving lanes:** The curb cut is divided into 2-way 12' drive lanes.  
**Off-street parking:** The site currently has 142 (9' x 18') patron parking stalls, 6 ADA compliant parking stalls (being 8' x 18' with a 5' access isle), 2 ADA van compliant parking stalls (being 11' x 18' with a 5' access isle), and 70 (9' x 18') employee parking stalls, for a total of 220 parking spaces, clearly marked and lined. Applicant proposes to create an additional 64 patron parking stalls (9' x 18') on the south side of the parking lot, which was shown in the June 2020 site plan as future parking, along with an additional 31 patron parking stalls (9' x 18') on the north side of the existing parking lot. In order to access these two additions to the parking lot, Applicant states that four (4) parking stalls will be lost and turned into part of the driveway area. Considering the existing 220 and the new 91 stalls, there will be a total of 311 parking stalls once the expansion is completed.  
**Loading areas:** Applicant states that there will be no loading areas associated with this project as the novelties to be sold will not be in such quantity as to need a loading/unloading area.  
**Angles of stalls:** All parking stalls are at 90-degree angles.  
**Grades:** The paved areas will have grades from 2-5% and the rest of the site will be graded approximately the same as it currently exists.  
**Surfacing materials:** The surface of the parking lot and driveway will continue to be light duty asphalt. Concrete sidewalks exist around the ticket building.  
**Drainage plans:** Stormwater will continue to sheet flow to catch basins in the parking lot and will be conveyed to a detention pond located northwest of the ticket building.  
**Illumination of facilities:** In addition to the existing lighting, Applicant proposes four (4) new parking lot lights – two (2) on the north side and two (2) on the south side. Applicant submitted a photometric plan to indicate little to no illumination going onto the neighboring properties or the main public roadway. Applicant is also desirous of placing a directed beam on the pole under the lighted logo sign to be located just outside of the road right-of-way. This light will illuminate the driveway entrance/exit

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area at approximately 150 watts to make safer ingress/egress for patrons during hours of operation.

- 8. Sidewalks and other open areas:** Sidewalks exist along the north and east sides of the ticket building. A detention pond is located to the northwest of the ticket building. The rest of the parcel will continue to be open area except for the existing structures.
- 9. Location of all walls, fences and buffers:** Applicant is not proposing additional walls, fences or buffers; however, is proposing to install a front gate across the driveway entrance/exit to secure the property from unwanted trucks turning around or parking in the lot and thrill seekers from coming on site during the off season. There are two (2) earthen berm buffers already in place – one on the north side of the property adjacent to the Larry Tura property, and the other on the south side of the property adjacent to the Bruce Ballentine property. The trees which are required to be on top of those earthen barriers are scheduled to be placed within the next 30-60 days, with the exception of a portion of the Ballentine hedge row, upon which Applicant is now seeking a waiver. Mr. Ballentine has requested that such tree hedges not begin right at Tod Avenue, but rather that such tree hedges begin at approximately 125 feet west of Tod Avenue to allow safer sight distance and then continue along the common property line. Due to late construction in 2020, Applicant waited to plant the trees on the landscape buffers to increase survival. Applicants had previously promised to plant trees to abut the common property line with Dollar General; however, this extra space is now needed to accommodate the parking expansion and no trees can be placed in this location. The earthen berm along the Tod Avenue frontage simply consists of a grass buffer area in order to safely maintain good traffic sight distancing for customers leaving the parking lot.
- 10. Location, size, height and orientation of all signs:** Applicant is currently in the process of designing a permanent sign to be placed at the entrance of the parking lot (on the north side), sufficiently out of the road right-of-way. Drawings have been submitted. Additionally, Applicant will make use of wall and miscellaneous, directional signs allowed per the Lordstown Codified Ordinances. Applicant is aware of the requirement to make application for and obtain zoning permits for any and all signage prior to installation.
- 11. Location of all existing and proposed streets and highways:** State Route 45 (Tod Avenue) borders the eastern property line.
- 12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades:** An existing 6" ductile iron water line and a 2" PVC waterline are currently located on the property, along with a hotbox and a 6" water meter. There is an existing 6" sanitary lateral, pump station and 1.5" PVC force main located north of the new ticket building. The sanitary force main is buried 48" deep and has adequate bedding and backfill.
- 13. The schedule of phasing of the project:** The parking expansion will begin pending all required approvals and will take place in a single phase, with hopes of being completed by August of 2021.
- 14. All existing and proposed front setbacks:** B-1 zoning requires a minimum of 100' from road right-of-way. Front setbacks for the 5 existing structures are:

Haunted House – 331'	Pavilion 1 – 1,041'
Ticket Building – 321'	Pavilion 2 – 1,724'
Pole Barn – 1,839'	

**Rear setbacks:** B-1 zoning requires a minimum of 75' from the rear property line. Rear setbacks for the 5 existing structures are:

Haunted House – 2,318'	Pavilion 1 – 1,455'
Ticket Building – 2,581'	Pavilion 2 – 1,217'
Pole Barn – 655'	

**And side yard setbacks:** B-1 zoning requires a minimum of 50' from the side property lines. Side yard setbacks for the 5 existing structures are:

Haunted House – 55' (N), 838' (S)	Pavilion 1 – 701' (N), 495' (S)
Ticket Building – 89' (N), 269' (S)	Pavilion 2 – 797' (N), 381' (S)
Pole Barn – 218' (N), 834' (S)	
- 15. Other information required by the Planning Commission:** Applicant is seeking to expand the parking lot area in response to the detrimental parking situation which existed during the 2020 Fear Forest season.

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**16. Prior approval of water mains and appurtenances by the BPA:** Applicant states that no water PPE form is required for this parking lot expansion.

MR. RECH: All right, next item, number three (3) -- Site Plan Review for Alan Tura, dba Fear Forest, Parking Lot Expansion, 6878 Tod Avenue, Lordstown.

MS. BORDNER: Yes, sir. This is a 68.8-acre parcel.

The existing zoning is B-1. The property to the north is B-1 and R-1; property to the south is R-1 and I-1; to the east, it is B-1 and R-1; property to the west, is R-1.

There's a variable right-of-way along Tod Avenue.

The site slopes from southeast to northwest at an approximate 2.0% slope.

The finished grade will remain the same, with an overall site slope of approximately 2.0%.

There are five (5) existing structures on this site -- a Haunted House building used during the Halloween season is located on the north side of the site; a staging area/ticketing building is located in the middle of the property. The Haunted House is approximately 52'W x 140'L x 18'H and has a canopy of 24'W x 40'L x 18'H on the southwest corner of the building. The ticket building is approximately 48'W x 96'L x 23'H. There are also two (2) 24'W x 24'L x 16'H open pavilions, and one (1) 18.5'W x 40'L x 16'H pole barn, which are all located along the hayride route.

No new buildings are proposed.

All existing structures are used for the Halloween season in various capacities.

So we don't have any uses of any proposed buildings.

Again, there's an existing five (5) buildings. The dimensions have already been stated as are the heights above.

The gross floor area for the existing structures are -- the ticket office building is 4,608 square feet. The Haunted House is 7,280 square feet. The two (2) pavilions on the hayride route are 576 square feet. The pole barn on the hayride route is 740 square feet.

All existing structures are one-story.

There's a curb cut on Tod Avenue that's 24' wide with a center line located approximately 72' south of the intersection of the northern property line and the right-of-way line.

The curb cut is divided into 2-way 12' drive lanes.

The site currently has 142 9' x 18' patron parking stalls; six (6) ADA Compliant parking stalls, which are 8' x 18' with a 5' access isle. There's also two (2) ADA van compliant parking stalls, being 11' x 18', with a 5' wide access isle; and 70 9' x 18' employee parking stalls, for a total of 220 parking spaces, clearly marked and lined. Applicant proposes to create an additional 64 patron parking stalls, 9' x 18', on the south side of the parking lot, which was shown in the June, 2020, site plan as future parking, along with an additional 31 patron parking stalls, 9' x 18', on the north side of the existing parking lot; and in order to access these two (2) additions to the parking lot, Applicant states that four (4) parking stalls will be lost and turned into part of the driveway area. So considering the existing 220, and the new 91 stalls, there will be a total of 311 parking stalls once the expansion is completed.

Applicant states that there are no loading areas associated with this project as the novelties to be sold will not be in such quantity as to need a loading or unloading area.

All parking stalls are at a 90-degree angle.

Paved areas will have grades from 2-5%, and the rest of the site will be graded approximately the same as it currently exists.

The surface of the parking lot and driveway will continue to be light duty asphalt. Concrete sidewalks exist around the ticketing building.

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Stormwater will continue to sheet flow to catch basins in the parking lot and will be conveyed to a detention pond located northwest of the ticket building.

In addition to the existing lighting, Applicant proposes four (4) new parking lot lights -- two (2) on the north side and two (2) on the south side. Applicant submitted a photometric plan to indicate little to no illumination going on to the neighboring properties or the main public roadway. Applicant is also desirous of placing a directed beam on the pole under the lighted logo sign to be located just outside of the road right-of-way. This light will illuminate the driveway entrance/exit area at approximately 150 watts to make safer ingress and egress for patrons during hours of operation.

Sidewalks along the north and east sides of the ticket building are there. A detention pond is also located to the northwest of the ticket building. The rest of the parcel will continue to be open area except for the existing structures.

Applicant is not proposing any additional walls, fences or buffers; however, is proposing to install a front gate across the driveway entrance/exit to secure the property from unwanted trucks turning around or parking in the lot and thrill seekers from coming onto the site during the off-season. There are two (2) earthen berm buffers already in place. One (1) on the north side of the property, adjacent to the Larry Tura property; and the other on the south side of the property adjacent to the Bruce Ballentine property. The trees, which are required to be on top of those earthen barriers are scheduled to be placed within the next 30 to 60 days -- and may have already been accomplished. I'm sure that the Tura's can answer that for you -- with the exception of a portion of the Ballentine hedge row, upon which Applicant is now seeking a waiver. Mr. Ballentine has also requested that such tree hedges not begin right at Tod Avenue; but rather, that such tree hedges begin at approximately 125' west of Tod Avenue, to allow safer sight distance, and then continue along the common property line. Due to late construction in 2020, Applicant waited to plant the trees on the landscaping buffers to increase survival. Applicant had previously promised to plant trees to abut the common property line with Dollar General; however, this extra space is now needed to accommodate the parking expansion, and no trees can be placed in this location. The earthen berm along Tod Avenue frontage simply consists of a grass buffer area in order to safely maintain good traffic sight distancing for customers leaving the parking lot.

Applicant is currently in the process of designing a permanent sign, to be placed at the entrance of the parking lot, on the north-hand side, sufficiently out of the road right-of-way. Drawings have been submitted. Additionally, Applicant will make use of wall and miscellaneous directional signs allowed per Lordstown Codified Ordinances. Applicant is aware of the requirement to make application for and obtain Zoning Permits for any and all signage prior to installation.

This project fronts on State Route 45, and that borders the eastern property line.

Relative to water and sanitary sewer lines, there is an existing 6" ductile iron waterline, and a 2" PVC waterline that are currently located on the property, along with a hotbox and a 6" water meter. There is an existing 6" lateral sanitary lateral, pump station, and a 1.5" PVC force main located north of the new ticket building. The sanitary force main is buried 48" deep and has an adequate bedding and backfill.

The parking lot expansion will begin pending all required approvals and will take place in a single phase with the hopes of it being completed by August of 2021.

The setbacks -- B-1 Zoning requires a minimum of 100' from the road right-of-way. The front setbacks for the existing five (5) structures are -- the Haunted House is 331'. The Ticket Building is 321'. The Pole Barn is 1,839'. The Pavilion Number 1 is 1,041'. Pavilion 2 is 1,724'.

Relative to rear setbacks, B-1 Zoning requires a minimum of 75' from the rear property line. For the existing five (5) structures, the setbacks are as follows:

Haunted House is 2,318'; Ticket Building is 2,581'. The Pole Barn is 655'. Pavilion 1 is 1,455'. Pavilion 2 is 1,217'.

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Side yard setbacks -- B-1 Zoning requires a minimum of 50' from the side property lines. The side yard setbacks for the existing five (5) structures are as follows:

Haunted House, 55' on the north, 838' on the south; Ticket Building 89' on the north, 269' on the south; Pole Barn, 218' on the north, 834' on the south; Pavilion Number 1, 701' on the north, 495' on the south. Pavilion Number 2, 797' on the north, 381' on the south.

The other information that you might want to consider is that the Applicant is seeking to expand the parking lot area in response to the detrimental parking situation, which existed during the 2020 Fear Forest season.

Applicant states that no water PPE form is required for this parking lot expansion.

The department heads -- Chief Milhoan has no issue or any concerns, at this time, relative to this expansion. Fire Chief Eastham has no concerns relative to the expansion. I did not hear anything from the Street Commissioner, and the Utilities Superintendent has no concerns with the expansion.

Chris Kogelnik had reviewed, as our Village Engineer, all of the plans that were submitted by the Applicant and his Engineer -- and had submitted a memorandum that indicates that there were some minor edits that needed to be conducted or received on the revised plan sheet; and once that was done, everything looked good to him, and he could give his approval on this expansion as well.

In addition to all of that, today the Planning and Zoning Office received a packet, which you should all now have -- and I do apologize for the lateness of the submission; however, we received it at about 12:30 today at the Planning and Zoning Office, and that would be a letter from Lawrence and Jacquelyn Tura, who reside at 6840 Tod Avenue.

Just to summarize, basically, what they had said in their letter -- they had three (3) concerns, primarily. The first one was relative to the landscaping barrier or the berm that was along their side of the property -- that common property line; and they submitted some minutes from the previous meeting, in June of 2020, and indicated that the earthen barrier was not completed as was approved at the previous Planning Commission meeting on this issue on June 8th of 2020; and that it was never installed to the 8-foot height, and that it does not have the proper side slope; and that it was difficult to maintain because of the steepness of the slope.

The other issue that they had was that there was a gate that was showing on Utility Plan sheets that indicated that there should have been a gate between across the well road, between the two (2) landscaping berm barriers -- and that gate has not been installed.

And number three (3), again referencing the Utility Plan Sheet -- they were upset about the hotbox for the waterlines. They indicated that the building looks more like a building; and that it has a man door, a window -- and, essentially, what they referenced as a porch; and that it was used last season as a haunt scene for the haunted trail.

And I did explain to them that this was probably an issue that was more appropriately before the Utility Superintendent and the BPA, given that even the plans say that it has to be approved by the Village of Lordstown in those departments to determine whether or not that - - whatever someone considers to be a hotbox -- the appropriate location, size and manner -- and that would be through those entities. None-the-less, it was made a part of their complaint, and I wanted to read that to you.

So they are looking for a feasible and viable solution to correct the barrier and the berm. They're asking that Fear Forest use additional soil that would be obtained from the parking lot expansion, to increase the barrier and berm to the required height of eight feet (8'), and the proper slope of 1:1 ratio. The correction of the barrier and berm is necessary to be in compliance with the conditions of the Site Plan approval from June 8th of 2020 -- is what they believe -- and then they would be able to enjoy full and quiet enjoyment of their property. So I wanted to let you know about that.

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Mr. Ballentine is here. He has, along with the Tura's -- on behalf of Fear Forest -- also requested that waiver relative to the landscaping berm on the Ballentine property line and would ask that it be 125 feet back from Tod Avenue.

MR. RECH: Okay.

MS. BORDNER: The Tura's are here as well.

MR. RECH: Both the Tura's.

MS. BORDNER: Alan and Juliana Tura are here -- as are Lawrence and Jacquelyn Tura.

MR. RECH: All right, very good -- questions, comments?

MAYOR HILL: I guess I have one. After the Planning Commission granted this Site Plan Review -- Larry, didn't you come along and make a request about the earthen barrier to Kellie about -- you made some sort of request, and I can't remember what it was.

MR. LARRY TURA: I'm not sure what you're referring to.

MAYOR HILL: Do you know what I'm talking about, Kellie? When he said -- make a change? I think you made a request that you wanted us to make some sort of a change on that, and we couldn't do that. Was there something there, Kellie?

MS. BORDNER: There was -- I don't remember exactly what the specifics of it were -- but yes, they wanted to make some changes to the landscape barrier, and I indicated that it would have to come back before Planning Commission --

MR. LARRY TURA: Look, I'm not aware of this.

MS. BORDNER: -- to make those changes.

MR. LARRY TURA: I don't know -- nothing was pre-motion. I'm talking from the motion, forward. I don't know what you're referring to.

MS. BORDNER: It may have been before. I'm not sure if it was after.

MR. LARRY TURA: Well, Mr. Mayor, I may -- if I could summarize what I think Kellie is talking about -- I did ask you guys, that I wanted an additional 400-foot to the north of where -- of the barrier -- of my property, the boundary. So if that's what she's referring to, that would be the only change that I talked about; but that was pre the motion.

Once he agreed to it, it went into the motion, as such, and I'm just asking you to enforce the motion as it was written. I'm not asking you to change it -- just enforce it.

MAYOR HILL: I just -- I thought that you had made a request for something else. I believe that's what Kellie -- I thought Kellie had told me. I may be wrong.

MR. LARRY TURA: I don't recall it, sir. If there was one, I don't recall it.

MAYOR HILL: Okay.

MS. BORDNER: I just believe that there was some indication of them wanting to resolve it, between themselves, as brothers -- and I don't remember exactly, to be honest, I apologize.

I don't remember exactly whether or not that that was prior to -- or after. I'm feeling like it might have been prior to the Planning Commission meeting -- but they wanted to resolve it, as brothers, and come to some sort of an agreement, which ultimately, you know, they did before the Planning Commission.

MR. LARRY TURA: We thought we -- I thought we did, and that's how it was put in the minutes, and I'm just asking him to live up to what he agreed to do.

MR. RECH: Well, let me ask the maybe easy, obvious question. How are these berm heights determined, and have they been physically measured -- or what?



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MS. BORDNER: Well, I'm not sure how I could go out and measure a berm that's in excess of what is required by the Code. Obviously -- we have tape measures and such that would allow me to measure four foot (4'). But what, ultimately, was decided in the last Planning Commission, on June 8th, was that it would be an eight foot (8') high landscaping berm. So I don't have the capability of measuring that. Mr. Larry Tura had indicated that he measured it. So, I'm sure we could ask him how he went about that, again, we reach at some point -- that we've gone beyond what the Code would require here.

MR. RECH: I'm thinking that we have summer hires, correct? We have people working in the Street Department.

MS. BORDNER: We do.

MR. RECH: I'm assuming we probably have a couple -- wait a second, Mr. Tura -- I'm assuming we probably have a couple 2 by 4's -- or something like that -- where we could put one up this way, and one up this way -- and kind of get a marking of some sort, to get a measurement to determine the height of the berm and is it appropriate enough.

I'm not really interested in a he said/she said -- or he said/he said kind of a deal and all of that; but if it's supposed to be eight foot (8'), then it should be eight foot (8'). If it's not eight foot (8'), then it should be corrected -- and that's pretty much where I see it at.

MS. DUGAN: Do you think we could take care of Mr. Ballentine's part of it first -- he might want to go home sometime.

MR. RECH: No problem.

MS. DUGAN: And, I mean, it isn't a request that --

MAYOR HILL: That is starting the shrubbery 125-foot from the road.

MR. BALLENTINE: Right.

MS. DUGAN: That's what you asked, and that's what you want, right?

MS. BORDNER: So the motion would be, specifically, to waive the requirement of having the landscape barrier on the Tura/Ballentine property line, go pretty much right up to the road right-of-way. So he would like it to be back 125 feet from the road right-of-way --

MRS. JULIANA TURA: -- from the edge of the pavement.

MS. BORDNER: -- from the edge of the pavement, back and then -- and this way, they'll be a good sight distancing for traffic and such, so --

MR. ALAN TURA: He requested, just so his view, outside of the window, can see -- he enjoys the view of looking down Dollar General and down the road -- that's on his window view.

MR. BALLENTINE: Another thing, the snow fence --

MAYOR HILL: I'll make that motion.

(WHEREAS, THERE WERE MULTIPLE SPEAKERS TALKING OVER ONE ANOTHER, AND THE COURT REPORTER COULD NOT HEAR TO TAKE THE RECORD. PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: Let's go with Mr. Ballentine -- state your name, sir.

MR. BALLENTINE: Bruce Ballentine -- no, if you had the bushes there, when they get bigger -- it would be like a snow fence -- and just pile all that snow up on my driveway.

MR. RECH: I gotcha.

MR. BALLENTINE: Because I put snow fence up there one year, and I made a big mistake.

MR. RECH: Okay. Thank you, sir -- yes, Mr. Dutton?

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SOLICITOR DUTTON: Is this an Amendment to the proceedings on June 8th, 2020, whereby Site Plan approval was based upon certain conditions. Number five (5) -- the landscaping barrier that was originally 230 feet, will now include an additional 420 feet of landscape berm?

MS. BORDNER: So that is relative to the Larry Tura Fear Forest property line.

Regardless, what you're referencing is -- yes, would still be an Amendment to that Site Plan relative to Mr. Ballentine and the Fear Forest.

SOLICITOR DUTTON: So you would be adding a number six (6) to it? These are five (5) -- so five (5) enumerated --

MS. BORDNER: Yes -- yes, it would be a waiver of the requirement to have it all the way down to the edge of the pavement.

SOLICITOR DUTTON: So whoever makes this motion, needs to reference that this is supplementing -- not amending -- but supplementing the June 8th, 2020, Site Plan approval proceedings before the Planning Commission; and then you would add a number six (6) to page 29 of 31, under the conditions for Site Plan approval for Fear Forest.

MR. RECH: All right -- thank you, Mr. Dutton. Mayor Hill, you're still wanting to make this motion for the waiver --

MAYOR HILL: Yes, what he -- what he said.

MR. RECH: -- with these new stipulations, supplementing the June 8th minutes, page 29 of 31 -- adding a number six (6) to allow for the waiver of 125 feet back from Route 45 on the Tura/Ballentine property lines. Do I have that correctly?

MS. BORDNER: I believe so.

MR. RECH: All right, we have a motion. Do we have a second?

SOLICITOR DUTTON: It's to require that it be 125 feet back, right?

MS. DUGAN: They want it not to be there for the first 125 feet.

SOLICITOR DUTTON: Okay, to waive the barrier for 125 feet --

MAYOR HILL: -- for 125 feet, yes.

SOLICITOR DUTTON: Along what roadway?

MS. DUGAN: It's along the property line of Mr. and Mrs. Alan Tura and Mr. and Mrs. Bruce Ballentine.

SOLICITOR DUTTON: Okay.

MR. RECH: Okay. All right, so we have a motion from Mayor Hill. Do we have a second?

MR. REIDER: Second.

MR. RECH: Mr. Reider, okay -- any additional discussion?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MAYOR HILL: Hearing not, could we have roll call on this, please.

MS. DUGAN: Yes, sir -- Bob Shaffer?

MR. SHAFFER: Yes.

MS. DUGAN: Arno Hill?

MAYOR HILL: Yes.

MS. DUGAN: Tim Rech?

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MR. RECH: Yes.

MS. DUGAN: Don Reider?

MR. REIDER: Yes.

MS. DUGAN: Richard Rook?

MR. ROOK: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: Okay, thank you. That's passes. Mr. Ballentine, thank you. You're welcome to stay or you're welcome to go -- whatever you want to do.

MR. BALLENTINE: Nope -- I got to go home and see Gunsmoke.

MR. RECH: All right -- okay, have a good night.

MR. BALLENTINE: Bye-bye, thank you.

MR. RECH: Yes, thank you, sir. All right -- so at this point in time, Mr. Dutton, do we need to go through this -- or is this just a concern by a neighboring resident or what?

SOLICITOR DUTTON: This is a public hearing. And rather than just reading this, Mr. Larry Tura -- if he has an objection, should read it into the record, rather than having it done hearsay.

MR. RECH: Okay.

SOLICITOR DUTTON: And it's clear that the June 8th hearing required this berm with great specificity. Unlike the first hearing, where the Board of Zoning Appeals said -- just pave the front of the building this is very specific. So unless you are willing to rescind that or change that, that's what this Applicant must do. So if you have a witness who is saying it hasn't been complied with, and you're asking for it to be measured --

MR. RECH: But my question is -- this is, essentially, a complaint from the neighborhood -- Applicant -- we're talking about parking lot expansion. Wouldn't this be more of a Civil issue, if you will, rather than --

SOLICITOR DUTTON: No, it's an enforcement issue.

MR. RECH: Okay.

SOLICITOR DUTTON: In other words, you have a right -- is it good public policy to compound or exacerbate an issue? If you've ordered something in the past, and it hasn't been complied with -- maybe what you should do is to continue this until it has been complied with.

MR. RECH: Okay.

SOLICITOR DUTTON: That's one consideration.

MR. RECH: Sure.

SOLICITOR DUTTON: Otherwise, you get ten (10) conditions. You order ten (10) things, and none of them are done.

MR. RECH: Right, okay. All right, at this time, Mr. Larry Tura --

MR. LARRY TURA: I just want to comment on what the Solicitor just said. I'm Larry Tura.

This is the problem you have up there with Chaney -- that, you know, something was said. It was agreed to, and it never happened. Like the Mayor said, 24 years have gone by. I didn't let 24 years go by, and that's why I'm here speaking to you -- asking you to rectify it before it turns into a Civil matter -- simple as that.

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MR. RECH: All right. Let me ask you this, since you're standing there -- how do you know that it's not eight foot (8') -- the berm?

MR. LARRY TURA: I have a laser, and I read it with a pretty scientific construction laser - but really, I'm making an accusation. He could get a surveyor out there and prove me right or wrong in five (5) minutes, so --

SOLICITOR DUTTON: It also says four feet (4') of trees above the berm.

MR. LARRY TURA: That's debatable with me. He had commented to me, in privacy -- including with his wife -- that we were going to have white pines up there; but since it just said "trees", it was a little ambiguous, so I gave up on --

SOLICITOR DUTTON: It just says "trees."

MR. LARRY TURA: It just says "trees," yeah. He knows that we had a conversation that they were supposed to be white pines.

SOLICITOR DUTTON: But that conversation doesn't --

MR. LARRY TURA: It's hearsay, I mean -- but he's here. So he could deny it if I wants to. It doesn't matter. I'm not disputing the trees. He could raise the trees. He could get my barrier up -- get the grade right, and I won't have anything else to say about the barrier.

I still would like to also say about the fence that he agreed to put up, and -- he's shaking his head "yes" -- for the record.

MR. ALAN TURA: We purchased the gate, and we just bought it at (INAUDIBLE) Auction, brand new. It's a beautiful gate with steel bars, kind of deal. It's going to be 14-foot wide -- two 7-foot sections; and we ran out of dirt at the very end of that project, and we have not been able to get the remaining dirt -- that's why the final bit -- we didn't put no trees on the last, like, 50 feet -- because we needed to get the berm higher.

It's probably, like, around four feet (4') -- about five feet (5') tall. In order to get up higher, we needed more dirt. We ran out of dirt. All the dirt on the entire property -- been on that, and we went out and bought dirt, and still ran out of dirt.

So we have plans on increasing the height of that section, and the trees that are sitting there -- waiting to go on the ground -- will go on top of that hill; and then once that is complete, we're then going to drill and put in concrete base so the fence don't ever -- the gate don't ever get kind of crooked; and we're going to make a gate that will close that opening up between the dirt barrier -- because there's a barrier, and then there's a well road, and then there's a barrier. So we're going to close that with the gate. So this way, there's no -- nobody can walk through there without climbing over the barrier.

That's all been purchased -- and once we get some time -- once this project begins, and Miller-Yount comes out here and does the parking lot expansion, there will be dirt from that. He's been advised that we're going to bring it back over and increase the area that wasn't completed.

When the first dirt was brought in there, it was all at eight feet (8') -- but there might have been a little settling -- because as you know, fresh dirt, over time, settles a little bit. We might have got a little bit. I don't think it's extremely far off from the eight feet (8'); but some area is not there because we ran out of dirt, but that's only a small portion.

So we put 4-foot-tall arborvitaes -- six-foot (6') on center -- from what we thought was good, all the way to the other end -- and now some extra trees, we're watering daily -- so they won't die -- until that dirt gets there, and we can finish the barrier.

The barrier -- I mean, we feel it's adequate enough to be able to mow it or weed-wack it with no problem. We plan on doing it. There is some area that's very tall -- and yes, we are going to -- we did it all. We just bought another weed-wacker today. So now we have three (3). We're going to weed wack it by the end of next week, so it's mowed down to the proper height.

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And, like I said, at the angle that it is -- that he sees, I believe, it's fairly gradual enough for us to walk up it and weed-wack it and maintain it. That's also on our plans to get done very shortly.

MR. LARRY TURA: Are you done, now, because I want to correct you.

MR. ALAN TURA: Okay.

MR. LARRY TURA: And for the record, I'm not agreeing to what he is calling a section. My idea of a section is probably more of the 400 foot than what he's saying. That's -- that's first of all.

And then secondly, just build it to what the drawing says -- to the slope that the drawing says, to the height that the drawing says, and then you won't have any --

MRS. JULIANA TURA: Well, we did not have any drawings on that.

MR. RECH: All right -- stop, stop, stop, right now -- one at a time.

MR. LARRY TURA: (INAUDIBLE)

MR. ALAN TURA: (INAUDIBLE)

MR. RECH: This is the second time you guys have come before us -- and this, basically, becomes a pissing match between two brothers, and it's a little bit tired.

MR. LARRY TURA: But it doesn't have to be, sir -- all you need to do is enforce the motion -- simple as that. I mean, it doesn't matter what he says. It's what the motion says. Give him - - I mean, I'm not asking you to do anything different than what the law says.

MRS. JULIANA TURA: Well, if I could make a comment, there were no drawings for that -- because the drawings were for a four-foot (4') barrier. It became an eight-foot (8') barrier, here, at the meeting. So he's saying to enforce the drawings. The drawings were four foot (4'), twelve foot (12') so -- the drawings don't exist.

MR. LARRY TURA: We're not going to debate the slope. The slope is the slope, whether it's eight-foot (8'), twelve foot (12') or four foot (4'). A slope is a slope -- like a roof, okay? So let's not go with -- we didn't have drawings.

MR. RECH: All right, let your wife say something now.

MS. JACQUELYN TURA: I'd like to say -- my name is Jacquelyn Tura -- and again, we are just enforcing what was passed on June 8th, 2020. It is -- condition -- *"Yes, so this would be a motion for Site Plan approval, based upon the followings conditions:*

*Number five (5) is the landscaping barrier that was originally 230 feet, will now include an additional 420 feet of landscape berm, which is 8-foot high in dirt, and 4-foot-high trees on top."*

And if you look at the exhibit that I gave of the drawings, it has the slope identified as a 1 to 1 pitch. That doesn't matter if it's ten foot (10') high or twenty (20') or four (4'). It's a 1 to 1 pitch. That should be the same with eight foot (8') of dirt.

MS. BORDNER: If I may?

MR. RECH: Yes, please.

MS. BORDNER: Those are the Utility Plans. The Utility Plans don't come before Planning Commission. The Utility Plans go before the BPA and the Water Superintendent -- the Utility Superintendent. Am I not correct, Mr. Mayor -- the Utility Plans?

MAYOR HILL: As far as the hotbox -- or something like that?

MS. BORDNER: Well, but what they're referencing, and what they attached, are Utility Plans. So these weren't part of our plans before the Planning Commission. They actually came in after our meeting.

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So I understand what they're saying, but I just wanted to clear it up. I just want to be very clear that these are not our Site Plan documents. These are Utility Plans. So it would not --

MR. LARRY TURA: I don't like (INAUDIBLE) --

MS. BORDNER: -- just one second, Larry -- it would not have come before this Board. Okay, that's one thing.

The other thing that I -- and I'm not trying to take sides, but this then becomes a situation for the Planning and Zoning Office that almost makes it an impracticality for us to be able to enforce.

You all agreed to an eight-foot (8') high landscape barrier, which I don't know -- maybe the mayor can advise us -- because I've only been here for seven (7) years, but he's been here for quite a bit longer -- so, perhaps, he can let us know -- I don't believe that there's ever been a higher landscape barrier than this one. It certainly doubles the requirements of our Code, which require a four-foot (4') high landscape barrier -- or wall or berm or whatever you want to call it.

Okay, so in this case, it was agreed between the two (2) parties to increase it to eight feet (8'). In order to maintain that it's almost an impracticality.

Also, our Code does not speak to a slope. We have no requirement in our Code relative to a slope on a landscape barrier; and so I -- I don't know how to enforce or make requirements of either party here -- or certainly Fear Forest, who would be in charge of having to maintain the barrier.

So I would also like some guidance because I don't know how to make this an enforcement issue when -- one, I don't have the tools to measure up to have eight feet (8'). I certainly do not have anywhere near what Mr. Larry Tura is indicating, a professional --

MR. LARRY TURA: -- laser.

MS. BORDNER: -- laser. You know, I don't have that -- and I'm certain that the Street Department doesn't have it, either.

MAYOR HILL: Now, due to the fact that it's been a year, it seems to me that there was a concern about the slope; and Larry -- correct me if I'm wrong -- how wide that base would be? And you did talk and say that you did not feel that that base should be that wide to go up -- and I may be wrong, but that's what I'm remembering.

MR. LARRY TURA: (INAUDIBLE)

MAYOR HILL: Now, let me finish. You're saying --

MR. LARRY TURA: I'm just referring to the drawing.

MAYOR HILL: You're saying that because it was so wide -- I believe you said you and your brother had talked, and you said that you wanted it higher, but you didn't feel that the base would have to be that wide because of -- it would be a lot of dirt.

MR. LARRY TURA: Yeah, well -- the comment was -- the reason I wanted it high is not just a hypothetical. It's because you're on a tractor, and you're already 60 inches off the ground. So that was why I wanted it high.

Had I have went, then, for an eight-foot (8') wall, which is in our zoning -- I would have had my eight-foot (8') wall, and I could have enforced that prior to you guys granting it; but what Kellie is saying over here about this site drawing and utility drawing -- this is the same drawing that you just got Mr. Ballentine's arborvitaes off of. They're on this drawing. So how could you say what drawings are part of Plan Review, and which ones aren't? They're one in the same.

This has the water retention on it, and the earthen barrier and the fence and the arborvitaes that you just discussed with Mr. Ballentine -- so how do you say -- now, all of a sudden, we won't enforce these sheets, but we're going to enforce those sheets.

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MS. BORDNER: Larry, I'm not saying that what I'm saying to you is -- is the plans for -- that I have in our hand that were made part of this record for tonight's proceeding --

MR. LARRY TURA: Right.

MS. BORDNER: -- which was provided to the Planning and Zoning Office by Mr. Bowser, who is their Civil Engineer -- does not reference it being a Utility Plan. It states "Parking Lot Plan" -- and those were the plans that were before the Board. We did -- they do not -- they did not have the Utility Plans. They -- they couldn't have -- logically and reasonably, they couldn't have.

And I did explain that to you in my office when you came in -- that it couldn't have been on the Utility Plans because we didn't get those plans submitted to the Planning and Zoning Office until after the June 8 meeting.

MR. LARRY TURA: I -- I don't know if I agree with that, Kellie.

MS. BORDNER: Well, I mean, I don't know what to tell you then.

MR. LARRY TURA: This is the drawing that we discussed that night of the meeting, and that is the drawing that Mr. Bowser and the other engineer -- which I can't recall his name -- read into the record. If you read the record, prior to this, he spoke -- and he was talking about 2% grade.

He made it really complicated -- but the gist of the matter is, that is the document. That is the motion, and I'm only asking you to enforce it. Now, that's all I can really say about it.

MS. BORDNER: I mean, regardless, the motion is there.

MR. LARRY TURA: The motion is there.

MS. BORDNER: I mean, the motion at the end of the meeting is what it was -- for an eight foot (8') high --

MR. LARRY TURA: (INAUDIBLE)

MS. BORDNER: All I'm saying is that it doesn't reference a slope; and in fairness, it does not. It does not say that -- nor does our Code reference a slope.

MR. LARRY TURA: Well, he can make a wall if he wants to, he just needs to make it eight feet (8') tall. That, I think -- you know, if you want to look at it like that, then do it however angle you want -- just make it eight foot (8') tall.

SOLICITOR DUTTON: Kellie, you are correct. In all of these meetings, there are applicants that make presentations. There are other individuals who will oppose it -- or suggest an alternative. There are members of this Planning Commission that will offer something else and say, I can't support this unless it's this; and ultimately, what is concluded is what they vote on.

And you are correct. It doesn't say "slope" here at all. It just says what was originally 230 feet, will now be -- include an additional -- an additional 420 feet. So you add those two (2) together, and -- which is eight foot (8') high dirt, and a -- four-foot (4') high trees on top.

Now the only thing that's ambiguous here is that -- is it a mature four-foot (4') tree or is it a sapling? In other words, do you plant a four-foot (4') tree that becomes a ten-foot (10') tree -- or do you, you know -- so I would say that you've got some wiggle room there; but eight feet (8') of dirt -- eight feet (8') of dirt. And you said, how do you measure it?

Well, you don't have to vote on these things the night you hear the testimony. You can continue the meeting until people comply with what they're required, if it can be complied with -- or you can give them timelines to do it -- but to continue to establish conditions to Site Plan Review or Conditional Use Permits, and then have people not comply with them, and then come back --

MR. RECH: Right.

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SOLICITOR DUTTON: -- you -- we can't -- we have to stop this.

People have to understand -- if they agree to something, and if it's ordered, you either go to the Board of Zoning Appeals or you comply with it -- period.

MAYOR HILL: I guess I got a question. Because of my position, here, I kind of get phone calls or drug into certain things like that, which -- you know, sometimes it can make it unpleasant -- but after that last hearing, did you and your brother have a talk about that eight foot (8')? And you're saying --

MR. LARRY TURA: Before.

MAYOR HILL: What?

MR. LARRY TURA: The meetings all happened before that night -- that he and I and Juliana -- agreed, in my kitchen, as to how that was going to be built; and if she wants to sit here right now and deny it, then that's on her. I'm telling you what she agreed to, and what's in the record.

Would have, should have, could have -- no, let's not talk about after the fact. That's just all hearsay. It doesn't mean nothing. I'm talking about that night of the 6th -- or 8th -- whatever the date was.

MS. JACQUELYN TURA: June 8th.

MR. SHAFFER: Well, as far as I'm concerned, whatever was said between anybody for anything doesn't really matter. What matters to me is -- is that eight feet (8'), and are we in compliance with what we agreed on at that original meeting?

If we can get proof, I guess -- for lack of a better word -- that that entire property and our previous Site Plan Review is in compliance -- and after that time, then, I think we can move forward with the rest of these site plans.

SOLICITOR DUTTON: And keep in mind, this isn't like a side-lot setback, where you measure it precisely. In eight feet (8') of dirt, there's probably some settling, okay? And if it's 7 1/2 feet, 7 1/4 feet, if it's 8 1/2 feet -- you could look at that and say -- with all the vegetation and some trees, it's in substantial compliance, but no one has confirmed that.

MR. ALAN TURA: The arborvitaes that we planted are purchased four foot (4'). They're a particular breed that's supposed to grow between 10 to 15-foot tall. So if it's seven foot (7'), and you add -- what, 15' on there -- that would be, like, 22' to 25' feet tall when those trees mature.

SOLICITOR DUTTON: It says eight feet (8') of dirt.

MR. SHAFFER: Well, the point is not the trees.

MR. ALAN TURA: (INAUDIBLE)

MR. SHAFFER: The point is not the trees. The point is the height of the dirt, Larry. That's the big issue right there.

MAYOR HILL: And I don't recall whether -- Larry, whether the conversation was before the Planning Commission, whether it was after the Planning Commission -- but I do recall now, since my memory has been jogged, it was brought up -- and you and I did have a conversation about the eight foot (8'), and we did --

MR. LARRY TURA: Excuse me, you and I had a conversation about the barrier, period -- about it being on that north boundary of his or my (INAUDIBLE) -- that's the conversation you and I, briefly, had on the phone one day.

MAYOR HILL: We had briefly had -- but then you also came -- and I can't remember if it was before or after -- and I think it was after, Larry, but I can't say for sure --

MR. LARRY TURA: -- assume it was --



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MAYOR HILL: And you were talking --

MR. LARRY TURA: -- assume it was after.

MAYOR HILL: -- and you were saying that the width of that -- base of that -- that came up.

MR. LARRY TURA: So -- so say it did. So what does it matter, sir? If I said it came up, what does it matter? That doesn't change the record. I'm only asking you to enforce that record.

MAYOR HILL: And the record is eight (8') foot, period.

MR. LARRY TURA: Period.

MAYOR HILL: It doesn't matter whether it's a 1 to 1 slope -- or 2 to 1 slope -- or 3 to 1 slope.

MR. LARRY TURA: As long as he can maintain it, that's his problem. It ain't my problem. It's on his property.

MR. RECH: I'm sorry. Let me ask you a question. Is that 420 feet of berm, is it done -- or not completed?

MR. LARRY TURA: It's mostly completed, I'd say.

MR. RECH: Okay -- Mr. Alan Tura?

MR. ALAN TURA: It's 99% done.

MR. RECH: I'm talking to him right now.

MR. ALAN TURA: The berm is -- the berm is there.

MR. RECH: Okay.

MR. ALAN TURA: There might be an area that might be seven feet (7'), eight foot, two (8'2"), you know -- but for the most part, it was all brought in to be calculated, to the best of our ability, just over eight feet (8').

Figure, by the time you drove on it, it would get down a little bit. Now, we had some settling. There might be some areas -- I haven't checked -- that are less than that -- but the barrier is there.

It was sloped enough to where we can get up and down it. I think it's about a 1 to 2 pitch, I think -- not 1. It's actually a little bit more sloped, so you can get up it to be able to weed-wack it; and then we seeded it, and then we put -- just recently, within the last month and a half, we put the four foot (4') tall arborvitaes -- every six foot (6') on center, down the entire length -- except for that little bit I told you wasn't done because we need to bring in some more dirt to get it up to the height that you requested.

MAYOR HILL: Can you get in compliance, Alan?

MR. ALAN TURA: Pardon?

MAYOR HILL: Can you get in compliance with what was agreed to at the last Planning Commission meeting, which is -- which is eight-foot (8') -- give or take a little bit -- with the four-foot (4') vegetation?

MR. ALAN TURA: Am I in compliance?

MAYOR HILL: Can you get in compliance?

MR. ALAN TURA: Oh, I would have to probably take out all 100 trees and lift them up about six inches (6") -- maybe twelve inches (12") in a few spots if it did settle and put dirt -- another foot of dirt on a hill, maybe here or there, and then put the trees back in the ground.

MR. RECH: And how many more trees do you have to plant to finish the 420 feet?

MR. ALAN TURA: Ten (10).

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MR. RECH: And you have the trees?

MR. ALAN TURA: Yes, sir.

MS. JACQUELYN TURA: I would like to speak.

MR. RECH: Yes.

MS. JACQUELYN TURA: I'm Jacquelyn Tura. It is around six feet (6') tall, which is 25% percent of what it should be -- not six inches (6"), not eight inches (8"), not seven (7"). It is six feet (6') -- twenty-five (25) percent.

He was told that it was not high enough -- don't put the trees on it because it's not high enough. You're wasting your time. So now, he can take the trees off, put the dirt on, and add the trees to the top; but he was told, before he put the grass and the trees, that it was not correct.

MR. ALAN TURA: We'll measure, and we'll get -- we'll figure out how to do it.

MR. RECH: Okay, hold on -- Kellie?

MS. BORDNER: Mr. Chairman, I have our Village Engineer on the phone, and I went in and called him and asked him if he had the capability of measuring the landscape barrier to determine the height, and he understands that it's supposed to be eight feet (8') high. He says -- he can answer for himself.

Chris, do you have the capability of being able to measure the landscaping barrier that exists between -- say, on the property -- adjacent property -- and the property line, Fear Forest and Larry and Jacquelyn Tura property -- to determine the height of the landscape berm -- the dirt berm, not -- not with the trees, just the dirt berm? Do you have the capability to do that?

MR. KOGELNIK: Yes.

MS. BORDNER: So, I guess, I would suggest -- if everyone is agreeable -- to have our Village Engineer make that determination. And if he is not in compliance --

MR. LARRY TURA: Simple.

MS. BORDNER: -- then he needs to come into compliance.

MR. RECH: Makes sense.

MR. SHAFFER: I would like to be sure we're in compliance before we follow through with any other Site Plan Reviews for that property.

MS. BORDNER: Then you would need to make a motion to continue this until such time as we can establish that.

SOLICITOR DUTTON: And the Engineer should cite it, like every fifty (50') or sixty feet (60'), so that you're not picking a low spot or a high spot.

MS. BORDNER: Did you hear what Paul was saying, Chris?

MR. KOGELNIK: Yes, good point.

MR. ALAN TURA: So in order for us to get dirt, if we happen to be low, we would need our parking lot expansion to be completed -- because all that dirt that would come off of that, would be our dirt to do that job.

MR. LARRY TURA: You're going to -- you're going to table this anyway.

(WHEREAS, THERE WERE MULTIPLE SPEAKERS TALKING, AT THE SAME TIME, AND INAUDIBLE TO THE COURT REPORTER. PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: I think we need to get the -- we need to table this, and I think we need to get the determination; and then they can come back -- and then if parties are agreeable, then they

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can finish the parking lot and put the dirt, but -- or get dirt from another source. I don't know. That's not our issue, but --

MR. SHAFFER: Well, can I ask another question? You don't need to have the Site Plan approval for the parking lot expansion to get dirt out of your own property -- correct?

MS. BORDNER: You do not.

MR. SHAFFER: So you don't really need the Site Plan approval for the parking lot right now. You can just dig that dirt out, and then fix your berm -- and then come back before the Board to get your parking lot approved.

MR. ALAN TURA: Well, they -- really not -- they use lasers to calculate how -- they use a GPS to cut that out with a dozer. So they set down a specific grade, so they don't over-dig or under-dig to get a right amount of aggregate. So I didn't want to start digging out there, and just making a big mess to get dirt.

MR. SHAFFER: Well, I understand that -- and I'm assuming that you're just trying to avoid having to buy dirt, which I appreciate. I understand that -- but I, myself, am not comfortable with moving along with a Site Plan Review when we're not sure that we're in compliance with what was already stated in a previous meeting.

So if you want to dig out dirt on your property to become in compliance, I'm okay with that; but I'm not okay with doing a Site Plan Review for additional building.

MR. RECH: All right.

MS. BORDNER: Do we need Mr. Kogelnik any further? I can let him off the phone --

MR. RECH: No, I think -- let him off.

MS. BORDNER: -- so that we're not holding him up, but --

SOLICITOR DUTTON: Who's going to pay for this?

MS. BORDNER: Well, Mr. Kogelnik is still currently -- I don't know where he's at with his work authorization relative to the Fear Forest expansion; however, there is an existing work authorization for review of this. Chris, do you have any -- I know that you're -- I apologize for asking this question, and I know that you're not at your desk -- so, by chance, do you have any idea if you have some funding available -- left that you might be able to go and make this determination and advise us?

MR. KOGELNIK: I'll check tonight whether or not we do, in our accounting system; but if we don't, I'll let you know in the morning what it might take for us to do this. This is only a couple hours worth of work to check that.

MS. BORDNER: Okay, and I mean, I think that -- you know, Planning Commission would feel comfortable with your report back to us.

MR. KOGELNIK: Okay.

MS. BORDNER: So I think it's become a necessity -- okay?

MR. KOGELNIK: Yes.

MS. BORDNER: All right, thank you very much, Chris. I'll talk with you tomorrow.

MR. KOGELNIK: All right, thanks for the call.

MR. RECH: All right. So then back to Larry and Jacquelyn's paper here. So we're going to have Chris come in for item number one (1).

Item number two (2), dealing with the gate -- Mr. Alan Tura stated that he has the gate -- in the process of getting it installed.

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And then item number (3), we have said that this hotbox issue is, essentially, a BPA issue and not really a Planning Commission issue. So that addresses all three (3) items on the points.

MS. BORDNER: Yes, number three (3) is definitely a BPA and Utility Superintendent issue; and I did speak with Mr. Larry Tura about that the other day, so he's aware; but just to let everyone know -- and Larry, I haven't let you know this, but I will -- I did take your entire packet -- a copy of it up to the Water Department -- provided it to the secretary, and also put it in the Utility Superintendent's box.

MR. LARRY TURA: Okay.

MS. BORDNER: So you, at least, have a forum to be able to discuss this matter with him; and he won't be unaware of what your concern is.

MR. LARRY TURA: All right, thank you.

MR. RECH: All right. So at this time --

MR. ALAN TURA: Can I make one (1) more comment?

MR. RECH: Yes, sir.

MR. ALAN TURA: That base of that hill is around 25' feet -- 24', 25', maybe 30' -- you know, 20' feet somewhere -- you know, it was pretty wide, which is probably, like, a one/two percent (1-2%) or whatever. If there's no requirement about that slope, that slope steepness could be increased -- because, like I said, we'd have the wall there, which I was allowed to put a wall, too.

So I should be able to take some of that dirt that's way out here, at a slope -- and have an excavator bring it up on top that hill to get that other -- what, four foot and a half (4.5') -- whatever they say.

So rather than bringing all this dirt -- I mean I could probably bring in some, but my concern is -- is that since there's not anything strict, as far as the slope, that we could maybe acquire some of that dirt from our slope that we have now, to increase that to this extra distance they're requesting. That's all -- just to make sure that we do that -- that they don't come back and say, "Well, now it's too steep."

MR. LARRY TURA: This is a -- he can maintain it -- Larry Tura, speaking. If that's how he wants to go about it, and we can't say that we're going to use the Utility drawings -- which I disagree with you on, and we'll follow up with you on that. I say, as long as he can maintain it, he can make it a wall; but he's going to maintain it because that's in our -- that's in our Ordinances, too. So he can, you know, pick his poison, I guess.

MS. BORDNER: And so -- then I come straight back to the Planning Commission and ask how you guys would like me to enforce that when eight foot (8') tall -- our Code references a four foot (4') tall. It doesn't reference an eight foot (8'), and I don't know how the practicality of it would allow me to enforce an eight foot (8'). I will need guidance on that.

MR. LARRY TURA: I can -- I can tell you -- if it's at the right slope, like the drawing, it can be maintained. So if you want to play around with slopes and grades and things like he's talking about, then we'll just deal with it again. I don't know.

MR. RECH: All right.

MR. REIDER: Thanks, gentleman.

MR. RECH: Yes, sir?

MR. BOWSER: Tom Bowser, Buckeye Civil Design -- back on June 8th last year, the south side parking lot was conditionally approved for expansion and for future use. Can he expand that -- because it was approved back then? Because, really, the only expansion that we were bringing before this time, was the northern side, where he could -- he could get that extra dirt from that south side if he needed it.

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MS. BORDNER: That's an accurate statement.

MAYOR HILL: I have no problem with that.

MR. RECH: Okay. That's already approved, you said?

MS. BORDNER: It -- it was --

MR. BOWSER: (NODS AFFIRMATIVELY)

MS. BORDNER: -- that south side was already contained within the plans from last year and was conditionally approved, and we were aware that there would be a future expansion coming along; but what they did was not only utilize that and bring that before you, again, here today; but they're also going on to the north side and expanding over there as well. So, I mean, in essence, it's just about the north side, essentially.

MR. RECH: Okay. Okay, so --

SOLICITOR DUTTON: You need to make a motion to continue this and put it time specific, either one (1) month or two (2) months -- to allow Kogelnik to get you the information; and then the Applicant would come back and either substantially comply, comply, or not comply with the berm.

MR. RECH: So then the next Planning Commission is -- when, again, Kellie?

MS. BORDNER: July 12th.

MR. RECH: That should be substantial time for Mr. Kogelnik to get that done. Mr. Tura, you --

MR. ALAN TURA: Any other comments?

MR. RECH: What's that?

MR. ALAN TURA: You're asking -- do I have any other comments?

MR. RECH: Yeah, I mean, we're going to have this thing surveyed, essentially; and then we'll have you come back before the July 12th meeting and --

MR. ALAN TURA: We have to because, from that letter we got from you guys, I'm going to be fined if I don't have adequate parking -- was the reason we pushed this thing through -- to get it moving because -- because we kind of felt all those people coming was kind of a fluke, sort of -- because there was nothing open --

MR. RECH: Right.

MR. ALAN TURA: -- no football games, no theaters, no nothing. So we think all the people came out of the woodwork -- but no bowling alleys, no nothing -- they'd come out because there were, like, two (2) attractions open -- like Akron, Canfield and us --

MR. RECH: Right.

MR. ALAN TURA: -- and it was -- nothing to do. Imagine no high school football games -- nothing for people to do. We got overloaded with people. We don't think it's going to be quite that bad, but since we're going to be fined if we don't have adequate parking, we immediately started moving on this -- that if we do need it, we'll have the parking. If we don't need it, it will just be parking, but we appreciate you letting us move forward on part of it because --

MR. RECH: Okay. All right, so do we have a motion to continue to the next July 12th meeting?

SOLICITOR DUTTON: Well, what are you expecting at the meeting? Are you expecting -- let's assume that Kogelnik, in two (2) weeks' time, says that it's deficient by 25% -- okay, which is substantial -- are you expecting him to commence work to enlarge it -- or come back

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and say, "This is what I'm going to do"? I mean, are you going to have a meeting every month on this issue?

MR. RECH: Well, in my mind, he needs to get this done in order to open for October, so --

SOLICITOR DUTTON: Well, give him two (2) months to get it all done.

MR. RECH: Okay.

SOLICITOR DUTTON: And if he gets it done sooner, then have a meeting in July. If he doesn't, have a meeting in August -- and that's the drop-dead date.

MR. RECH: Okay.

MAYOR HILL: Kellie, you'll notify the Tura's when Chris gives his report. So that way he knows what he has to do.

MS. BORDNER: Yes, I will stay in dialogue with the Tura's.

MR. RECH: Okay, all right -- I still need a motion to continue. I'll move to continue. Is there a second?

MAYOR HILL: I'll second.

MR. RECH: Mayor Hill, okay -- roll call on continuing?

MS. DUGAN: Yes, sir. Arno Hill?

MAYOR HILL: Yes.

MS. DUGAN: Tim Rech?

MR. RECH: Yes.

MS. DUGAN: Don Reider?

MR. REIDER: Yes.

MS. DUGAN: Richard Rook?

MR. ROOK: Yes.

MS. DUGAN: And Bob Shaffer?

MR. SHAFFER: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**PUBLIC COMMENTS:**

MR. RECH: All right, thank you. Is there any additional public comments this evening?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MEMBER COMMENTS:**

MR. RECH: Hearing none, are there additional Member Comments this evening?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**ADJOURNMENT:**

MR. RECH: Hearing none, is there a motion to adjourn?

MAYOR HILL: So moved.

MR. RECH: All right, Mayor Hill -- is there a second?

MR. SHAFFER: Second.

MR. RECH: All in favor, "aye".

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MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, thank you -- we're adjourned.

(WHEREUPON, THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTERS, CONCLUDED AT 8:50 P.M.)

Submitted by:

Approved by:

Denise L. Dugan  
Assistant Planning & Zoning Administrator

Tim Rech  
Chairperson