

Village of Lordstown Planning Commission

December 11, 2023

The Lordstown Planning Commission met on December 11, 2023, at 6:30 p.m. at the Lordstown Administration Building.

In Attendance:

Tim Rech, Chairperson
Richard Rook, Vice Chairperson
Arno Hill, Mayor
Lamar Liming, Councilman
Matthew Ries, Village Solicitor
Kellie Bordner, Planning and Zoning Administrator
Debbie Bracken, Assistant Planning and Zoning Administrator

Also Present:

Ted Harvey, Site Manager, Trumbull Asset, Management, LLC
Ronald and Karen Krisher, 4510 Highland Avenue, Warren, OH 44481
Robert & Michele Krisher, 1405 Tait Road, Warren, OH 44481
Tibor Lakatos, dba Windsor Road Land, LLC, Chardon, Ohio
Jackie Woodward, Mayor Elect
Robert Bond, Councilman
Mark McGrail, 3656 Goldner Lane, Warren, OH 44481
Tom & Laurie Czoka, 1211 Hallock Young Road, Warren, OH 44481

OLD BUSINESS

Reconsideration of Case No. 01-2023 Petition for Zone Change by Clean Energy Future Trumbull, LLC on Parcel No. 45-025800, from Residential (R-1) to Industrial (I-1).

NEW BUSINESS

Request for final plat approval creating Lots 1 and 2 within the proposed Krisher Plat, fronting on Tait Road.

MR. RECH: All right, good evening, everybody -- welcome. I'd like to welcome you to the Planning Commission meeting for this evening. If we could, could we please stand for the Pledge of Allegiance.

(WHEREAS ALL PRESENT STOOD FOR THE PLEDGE OF ALLEGIANCE TO THE FLAG, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: All right, thank you. Could we have roll call, please.
MS. BORDNER: Yes, sir -- Tim Rech?
MR. RECH: Here.
MS. BORDNER: Lamar Liming?
MR. LIMING: Here.
MS. BORDNER: Richard Rook?
MR. ROOK: Here.
MS. BORDNER: Bob Shaffer (NO RESPONSE - ABSENT) -- Arno Hill?
MAYOR HILL: Here.
MS. BORDNER: Matt Ries?

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SOLICITOR RIES: Here.
MRS. BORDNER: Debbie Bracken?
MS. BRACKEN: Here.
MS. BORDNER: And I'm Kellie Bordner. Mr. Shaffer just had surgery. He asked to be excused.
MR. RECH: All right, is there a motion to excuse Mr. Shaffer?
MAYOR HILL: So, moved.
MR. RECH: Mr. Mayor -- is there a second?
MR. ROOK: Second.
MR. RECH: Mr. Rook -- all in favor, "aye."
MR. LIMING: Aye.
MAYOR HILL: Aye.
MR. RECH: Aye.
MR. ROOK: Aye.

(VOICE VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, he's excused. Is there a motion to approve the agenda for this evening?
MR. LIMING: So, moved.
MR. RECH: Mr. Liming.
MAYOR HILL: Second.
MR. RECH: Mr. Hill seconded -- all in favor, "aye".
MR. LIMING: Aye.
MAYOR HILL: Aye.
MR. RECH: Aye.
MR. ROOK: Aye.

(VOICE VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, the next thing we have is approval of the minutes from October 10, 2023. Is there a motion to approve those?
MR. ROOK: Motion to approve.
MR. RECH: Mr. Rook -- second?
MAYOR HILL: Second.
MR. RECH: All right, Mayor Hill -- all in favor, "aye".
MR. LIMING: Aye.
MAYOR HILL: Aye.
MR. RECH: Aye.
MR. ROOK: Aye.

(VOICE VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: Very good. All right. The next thing we have on the agenda, then, is the Oath of Office, swearing in Richard Rook for a term of August 14, 2023, through August 13, 2029. Mayor Hill is going to administer the oath.
MAYOR HILL: Raise your right hand, and repeat after me -- I, Richard Rook, do solemnly swear --
MR. ROOK: I, Richard Rook, do solemnly swear --
MAYOR HILL: -- that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Planning and Zoning Ordinances of the Village of Lordstown.
MR. ROOK: -- that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Planning and Zoning Ordinances of the Village of Lordstown.

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MAYOR HILL: And that I will not make any judgment of persons or properties --
MR. ROOK: I will not make any judgment of persons or properties --
MAYOR HILL: -- without first having all the pertinent facts to do so.
MR. ROOK: -- without first having all the pertinent facts to do so.
MAYOR HILL: And that I will not be influenced by any consideration, financial or otherwise --
MR. ROOK: And I will not be influenced by any consideration, financial or otherwise --
MAYOR HILL: -- in determining what is in the best interest of the Village of Lordstown.
MR. ROOK: -- in determining what is in the best interest of the Village of Lordstown.
MAYOR HILL: And that, in all other respects --
MR. ROOK: -- And that, in all other respects --
MAYOR HILL: -- I will faithfully and impartially discharge --
MR. ROOK: -- I will faithfully and impartially discharge --
MAYOR HILL: -- and perform all the duties incumbent on me --
MR. ROOK: -- and perform all the duties incumbent on me --
MAYOR HILL: -- as a member of the Planning Commission for the Village of Lordstown --
MR. ROOK: -- as a member of the Planning Commission for the Village of Lordstown --
MAYOR HILL: -- for the term from August 14, 2023 through August 13, 2029 --
MR. ROOK: -- for the term from August 14, 2023 through August 13, 2029 --
MAYOR HILL: -- the position which I have been appointed --
MR. ROOK: -- the position which I have been appointed --
MAYOR HILL: -- according to the best of my ability and understanding.
MR. ROOK: -- according to the best of my ability and understanding.
MAYOR HILL: Congratulations.
MR. ROOK: Thank you.
MR. RECH: All right, congratulations to Mr. Rook. Thank you, Mr. Mayor. Moving on, we have the Planning and Zoning Administrator's Report.
MS. BORDNER: I don't have any report, sir.
MR. RECH: All right, thank you -- is there a Solicitor's Report this evening?
SOLICITOR RIES: No report.
MR. RECH: All right, thank you. Okay, correspondence -- I have something listed there.
MS. BORDNER: Yes, sir -- and this will lead into Old Business.
MR. RECH: Okay.
MS. BORDNER: This is a letter dated November 9, 2023, directed to the Members of Lordstown Village Planning Commission, and the address -- regarding the reconsideration of Case Number 01-2023, Petition for Zone Change by Clean Energy Future, Trumbull, LLC, on Parcel Number 45-025800, from Residential (R-1) to Industrial (I-1).
"Gentlemen: On March 13, 2023, at the regularly scheduled meeting, this Planning Commission unanimously voted to recommend that the Lordstown Village Council approve the above-referenced Petition for Zone Change by Clean Energy Future-Trumbull, LLC. Following a public hearing on May 1, 2023, and three (3) readings of an ordinance to amend the Lordstown Village zoning map to reclassify the zoning designation of the parcel at issue, the Lordstown Village Council, on June 5, 2023, voted unanimously to decline to approve the subject zone change (voted no).

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Thereafter, Solicitor Matthew Ries, filed pleadings/documents with the Ohio Power Siting Board, on behalf of the Village of Lordstown, as follows: objections were filed on July 10, 2023, relative to an application for second amendment filed by Clean Energy Future-Trumbull, LLC, and a complaint was filed on July 24, 2023, relative to the original certificate granted to Clean Energy Future-Trumbull, LLC, by the Ohio Power Siting Board. Recently, the Village of Lordstown was advised that it was not successful on either the objections or the complaint filed with the Ohio Power Siting Board; and therefore, this matter is now back before the Planning Commission for reconsideration.

This matter will be further discussed under Old Business, and should this Commission reaffirm its previous approval and recommend that the Lordstown Village Council approve the above referenced Petition for Zone Change by Clean Energy Future-Trumbull, LLC, I will prepare a letter to the Mayor and Village Council stating such, and this matter will go back through the public hearing process and proper readings by Village Council. Respectfully, Kellie D. Bordner, Planning and Zoning Administrator."

OLD BUSINESS: Reconsideration of Case No. 01-2023 Petition for Zone Change by Clean Energy Future Trumbull, LLC on Parcel No. 45-025800, from Residential (R-1) to Industrial (I-1).

MS. BORDNER: That leads us into Old Business -- which in fact, then, is the Reconsideration of Case Number 01-2023, Petition for Zone Change by Clean Energy Future, Trumbull, LLC, on Parcel No. 45-025800, from Residential (R-1) to Industrial (I-1). I have provided the Board with a map that was sent to us by Gemma Power Systems on behalf of Clean Energy Future-Trumbull, LLC. What I want to draw your attention to is that you can clearly see where the property line is between the already existing I-1 parcel, and the R-1 parcel -- which was part of a replat that this Commission has already approved and has already gone to the Trumbull County Tax Map, Auditor's and Recorders departments. In fact, you will see that the Administration Building, part of the steam turbine building, and part of the cooling towers are, in fact, on an R-1 residential parcel.

MR. RECH: Yes.

MS. BORDNER: We are asking that the Commission reconsider its decision, reaffirm and send the message that, in fact, a zone change is needed. To do otherwise, could set a very dangerous precedent that would suggest industrial use and the construction of industrial structures on a residential parcel is permissible. That could create precedent for the future that would negatively impact the Village. So, therefore, we would request that the Commission reconsider, and simply reaffirm, your previous decision.

MR. RECH: And -- just for clarification -- the reason why we need to do this is because once we sent it to Council, and they voted no, it's essentially dead at that point -- so now it needs to come back?

MS. BORDNER: That is my understanding, but I will let Solicitor Ries add whatever else that he would like to.

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MR. RECH: Okay. I have one (1) other question. So, at the time in March when this was voted on, I know I was in a much warmer place, and Mr. Liming wasn't here. I don't know where he was, but the two (2) of us were not here -- so you had a quorum, and this was approved.

So, can this be voted on by the full Commission or is it just the original members that were here at the original meeting in March?

SOLICITOR RIES: I mean, we're going back to square one, so it can be voted on by who's here.

MR. RECH: Okay. Very good, thank you -- discussion -- anything else?

MR. ROOK: I guess the question I would have -- is there a possibility of leverage to get them to help?

My understanding is lighting, and noise were major issues. Is it possible to just ask them to do something about that?

SOLICITOR RIES: Well, we've been in substantial talks. I've been in talks for months with their attorneys, as well as their engineer -- along with Chris Kogelnik and Kellie -- and they've been in a more cooperative position with us as of recently. In fact, at the last Council meeting, their engineer showed up, and he made representations that they were going to work with our Planning and Zoning to comply with Site Plan Review -- even though it's their position that is not required due to the Siting Board Certificate, which they claim preempts our local ordinances; but, they have been making a little bit more of a good-faith effort to cooperate with us since we had the hearing, and since we've challenged them, in terms of Site Plan Review, and addressing our concerns about impact to the area from this facility. At this juncture, though, I wouldn't characterize anything that we're doing as it being able to use as leverage against TEC. This is now, more, to protect the Village -- because the Ohio Siting Board has already spoken, and they've said that it doesn't matter if part of the project site is on a residentially zoned parcel. They are the ultimate authority -- other than, you know, possibly the Supreme Court -- so, at this point, we're doing this to protect the Village going forward.

MR. RECH: Any other questions or comments?

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

MR. RECH: Okay. So, at this time then, is there a motion, to reconsider and approve Case Number 01-2023, Petition for Zone Change by Clean Energy Future-Trumbull, LLC, on Parcel Number 45-025800 from Residential R-1 to Industrial I-1? Do I have a motion?

MR. ROOK: I'll make a motion.

MR. RECH: Mr. Rook -- is there a second?

MAYOR HILL: I'll second.

MR. RECH: Mayor Hill -- all right, any other discussion before we vote?

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

MR. RECH: Could we have roll call on this, please.

MRS. BORDNER: Yes, sir -- Lamar Liming?

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MR. LIMING: Yes.
MS. BORDNER: Richard Rook?
MR. ROOK: Yes.
MS. BORDNER: Arno Hill?
MAYOR HILL: Yes.
MS. BORDNER: Tim Rech?
MR. RECH: Yes.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, that passes. That concludes Old Business -- moving on to New Business, then, we have a request for final plat approval creating Lots 1 and 2 within the proposed Krisher Plat, fronting on Tait Road.

NEW BUSINESS: Request for final plat approval creating Lots 1 and 2 within the proposed Krisher Plat, fronting on Tait Road.

MS. BORDNER: Yes, sir. I have a Final Plat Application which is in accordance with the Village of Lordstown Subdivision Regulations. The name of the Applicant is Windsor Road Land, LLC, by Tibor C. Lakatos, Manager -- address is PO Box 499, Chardon, Ohio, 44024. The Engineer or the Surveyor in this case was D.B. Kosie and Associates, LLC, by Robert L. Kosie, Sr. -- PS 8167, Managing Member -- address 11040 Madison Road, Montville, Ohio, 44064.

The subdivision's name is Krisher Plat. The subdivision location is on Tait Road, located in an R-1 Residential Zone District, and creating two (2) lots, both having at least 100' of frontage on Tait Road. Lot 1 is to contain 43.617 acres and to be owned by Robert and Michele Krisher, Trustees of the Krisher Trust. Lot 2 is to contain 116.587 acres and to be owned by Krisher Farms, LLC, Ronald and Karen Krisher.

Applicant states the specific reason for requesting the plat as follows: "This project needs to be in a Plat approved by the Village of Lordstown Planning Commission and Trumbull County Tax Map/Auditor/Recorder, in order to meet the intended purpose of the land for all property owners concerned and because there are several parcels which need to be 'excepted' out, or alternatively, for which the remaining land contained within the Plat will surround, as follows: Parcel Number 45-048400 owned by Rebecca Kunkel; Parcel Number 45-192839 owned by Lipscher Land Holdings - for which \$6,207.93 in property taxes are owed. Parcel Number 45-024450 owned by George M. Ellis, Trustees (Margaret Ellis), - which is a split parcel; and Parcel Number 45-192838 owned by Lipscher Land Holdings, for which \$4,398.22 in property taxes are owed; and Parcel Number 45-902969 owned by East Ohio Gas Company. Efforts have been made to contact the property owners relative to the above five (5) parcels to inform each regarding the within Plat project and/or to inquire about purchase of their parcel(s) as follows: Lipscher Land Holdings filed with the Secretary of State in 2005 and is unknown currently, with substantial property taxes being owed; George M. Ellis, Trustees (Margaret Ellis), are both

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believed to be deceased (per obituaries) and therefore, there is no method of contact; Rebecca Kunkel was contacted by letter, but no return reply has been received; and the East Ohio Gas Company is a public utility, which is not governed by the zoning rules within the Village of Lordstown. It is additionally noted that current Parcel Number 45-193727 is split by the East Ohio Gas Company parcel and utility easement as above mentioned and will remain in a separate parcel to the east of the East Ohio Gas Company parcel due to such easement. It will create a 3.858-acre parcel, which is still to be a part of Lot 2 within the proposed Krisher Plat and for which all subject property owners to the Plat do agree, shall not be conveyed separately from Lot 2 unless consolidated with an adjoining, neighboring property with the required legally conforming frontage on a public roadway."

The application goes on to state: "I hereby certify that I have submitted all the required information for final plat review pursuant to the Village of Lordstown Subdivision Regulations, and that all of the information is true and correct to the best of my knowledge. I also hereby acknowledge that I understand I cannot transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before a plat has been approved and recorded in the manner prescribed in the Village of Lordstown Subdivision Regulations. The description of sublots or parcels by metes and bounds in an instrument of conveyance shall not exempt the transaction from the provisions of these Regulations. I also hereby acknowledge that I understand that if any of the provisions of the Village of Lordstown Subdivision Regulations are willfully violated before a plat of a subdivision is recorded in the Office of the County Recorder; or if I dispose of, offer for sale or lease from a time exceeding five (5) years any lot or any part of a lot in a subdivision before the provisions of the Regulations are complied with, I shall be subject to the penalties prescribed in Chapter 711 of the Ohio Revised Code." This application was signed by Robert L. Kosie, Sr. and dated November 9, 2023.

In addition to the application, the Planning and Zoning Office sent out notices to all of the property owners on parcels which will be excepted out of the Krisher Plat, by U.S. Certified Mail. On November 27, 2023, the Planning and Zoning Office received a call from Martin Ellis, whose family owns Parcel Number 45-024450. He asked questions about the proposed Krisher Plat and stated that he has been willing to sell this parcel, and his attorney has tried to reach Windsor Road many times without response. Mr. Ellis stated that no one has ever attempted to contact him about this parcel or attempted to purchase it because if they had, he would have been willing to sell. He stated that when he received the Certified Mail letter from the Lordstown Planning and Zoning Office, this is the first contact he has had from anyone. Mr. Ellis said that he has no objection to the Plat as long as the property is to be maintained as farmland. He said that his son is a farmer in Farmington, and he said he understands how hard it is to acquire more land.

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Several days later, the Planning and Zoning Office received a call from Attorney Robert Burkey on behalf of Mr. Ellis. I shared with him that we had received a call from Mr. Ellis and the substance of the conversation. Attorney Burkey, thereafter, made a public records request, asking for copies of all the documents submitted relative to the proposed plat. Once we had all the documents together and provided Attorney Burkey with a cost of the requested records, he stated that he no longer needed them.

Additionally, Mr. Kosie has provided legal descriptions for Lot 1 and Lot 2. He has also provided the plat maps, which, on the first page, contains municipal approvals, signatures by the property owners; and page two (2) contains the actual dividing up of the Plat. You were also provided with a map that the Planning and Zoning Office created showing the existing configuration of the parcels as they sit today, and then on the back of that, it shows what they will look like post Plat.

So, in reality, creating this plat actually makes the parcels more cohesive. These are very tiny parcels, and the property owners really cannot do anything with them because of their size, and they don't meet our Village code requirements for 100' of frontage and 200' deep in an R-1 zone. So, this plat actually makes things better. That is all I have for you.

MR. RECH: Okay. I will tell you that after reading that, I was a little confused until I got to this Planning & Zoning created map, and that kind of tied it all together for me.

MR. ROOK: The coloring made a difference.

MR. RECH: Anybody have any questions -- any comments? Do the Krisher's or anybody want to say anything? Everybody good?

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

MR. RECH: All right, are there any public comments?

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

MR. RECH: No? All right, hearing none -- is there a motion, then, for final plat approval creating Lots 1 and 2 within the proposed Krisher Plat fronting on Tait Road.

MR. LIMING: I will make that motion.

MR. RECH: All right.

MAYOR HILL: I'll second.

MR. RECH: Mr. Liming and Mayor Hill -- very good. Can we have a roll call on that, please.

MS. BORDNER: Yes, sir -- Richard Rook?

MR. ROOK: Yes.

MS. BORDNER: Arno Hill?

MAYOR HILL: Yes.

MS. BORDNER: Tim Rech?

MR. RECH: Yes.

MS. BORDNER: Lamar Liming?

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MR. LIMING: Yes.

(ROLL CALL VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right -- thank you, that passes. Once again, going back to the agenda, are there any public comments this evening?

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

MR. RECH: Hearing none, are there any member comments this evening?

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

Mayor Hill, good luck again. I know I gave you a little speech in October, but again, just thank you for your service. I notice we have the Mayor Elect in the house tonight, so we welcome you. We'll see you next year. Everybody have a great Christmas -- and I'll ask for a motion for adjournment.

MAYOR HILL: So, moved.

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

MR. ROOK: Second.

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

MR. LIMING: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

(VOICE VOTE: 4, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, we are adjourned. Thank you.

(WHEREAS THE LORDSTOWN VILLAGE PLANNING COMMISSION MEETING, IN THE ABOVE-CAPTIONED MATTERS, CONCLUDED AT 6:51 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner
Planning and Zoning Administrator

Tim Rech, Chairperson