

Village of Lordstown Planning Commission

June 13, 2022

The Lordstown Planning Commission met on June 13, 2022 at 6:30 p.m. at the Lordstown Administration Building. The meeting was called to order by the Vice Chairperson, Richard Rook, followed by the Pledge of Allegiance to the Flag. Roll call was taken.

In Attendance: Richard Rook, Vice Chairperson
Arno Hill, Mayor
Don Reider, Council Member
Bob Shaffer, Member
Paul Dutton, Solicitor
Kellie Bordner, Planning & Zoning Administrator
Debbie Bracken, Assistant Planning & Zoning Administrator

Also Present: Ron Hickox, Street Commissioner
Randy Caldwell, R. Caldwell Holdings Company, LLC
Mark Cavicchi, AVP Construction, on Behalf of TJX

EXCUSE THOSE ABSENT:

MS. BORDNER: We need to excuse Mr. Rech. He said he would not be available due to vacation.

MAYOR HILL: So moved.

MR. SHAFFER: Second.

MR. ROOK: All in favor?

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. ROOK: Aye. Okay, it carries.

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

APPROVAL OF AGENDA:

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

MR. REIDER: So moved, Mr. Chairman.

MR. ROOK: Second?

MAYOR HILL: Second.

MR. ROOK: All in favor?

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. ROOK: Aye. It's unanimous.

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

APPROVAL OF MINUTES OF OCTOBER 12, 2021:

MR. ROOK: Okay, the minutes from the October 12th meeting -- do we have a motion to approve that?

MAYOR HILL: So moved.

MR. REIDER: Second.

MR. ROOK: All in favor?

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. ROOK: Aye.

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

PLANNING AND ZONING ADMINISTRATOR'S REPORT:

MR. ROOK: That carries -- Planning and Zoning Administrator's Report?

MS. BORDNER: Yes, Mr. Chairman, I have two (2) items. First of all, I gave everybody a little map. It's of the TJX area, and I wanted to let you know that the Planning and Zoning Office has received multiple complaints about high grass over there on the TJX property. However, I also wanted to let you know that most of the TJX property which is not paved or encompassed by the facility itself, is in the conservation easement -- both on the south -- southwest side of the newly-relocated Hallock Young Road, and to the north and east of the former Price property -- which is that house that's just west and adjacent to TJX. Just so everyone is aware, and we're putting it on the record, no mowing is permitted in the conservation easement area. Now once the roadway is accepted and dedicated for public use and maintenance, the Road Department will obviously mow along the edges of the road right-of-way; but other than that, it's in a conservation easement and cannot be mowed. So I wanted to let you know that.

The other thing that I wanted to discuss is regarding Mr. Mashorda, All Seasons Storage and Mashorda Flowers at 5787 Tod Avenue. He has contacted the Planning and Zoning Office. I gave you all a memo on it. So just as a reminder, on June 14th, 2021, as part of the Site Plan Review for Ray Mashorda on property located at 5787 Tod Avenue, the Lordstown Planning Commission issued a decision which required Mr. Mashorda to pave a parking area encompassing approximately 9,664 square feet on the south side of those front buildings. He was also required to stripe three (3) 10' x 20' parking stalls on that south side of the building. Mr. Mashorda was given time to accomplish the paving, and Planning Commission ordered that it be completed by June 14th, 2022. At a hearing on August 9th, 2021, the Lordstown Board of Zoning Appeals denied Mr. Mashorda's appeal and confirmed the decision of the Planning Commission in its entirety. Parking exhibits have again been offered to you guys, so that you can see what was ordered last year. They're attached to the memorandum. This past Thursday, on June 9, 2022, Mr. Mashorda came into the Planning and Zoning Office to discuss paving. He stated that he had flown from his residence in Florida to Ohio, specifically, to address the issue of parking lot paving at 5787 Tod Avenue. He explained that he had been unable to find someone to pave

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the parking lot at a reasonable cost and that he cannot afford the bid prices he's been given so far.

He stated that on this visit, he was able to speak with his cousin, who owns a small, family-owned construction company, and that his cousin agreed to pave the parking area in front of the first building -- all the way from the front building corner, to the downspout on the east side of the sidewalk going into the building, and then fully across the parking lot to the fence/gate, which is on that south property line. This would be at a cost that Mr. Mashorda could afford -- however, Mr. Mashorda has requested additional time -- until September 1st, 2022 -- to get an area that is approximately 125' x 67', which is approximately 8,375 square feet, to the south of the first building, paved. Mr. Mashorda has further requested that he be afforded until September 1st, 2023, to complete another portion of the area to the south of the second building. He has offered that the entire second building area is approximately another 8,000 square feet from the building to the south property line, and he would try to have half of that paved by September 1st, 2023, with the balance of this area being completed by September 1st, 2024. Exhibits have also been offered by Mr. Mashorda. Those are attached to your memorandum -- and he stated that he recently spoke with Mayor Hill about the paving issue, and that it is the only way that he can afford to pay the high expense of a task that he believes the previous property owner should have been made to accomplish. He also offered that he would be paving more than was originally required when it is all finished since he is going all the way to the south property/fence line. Mr. Mashorda has asked that we request these extensions of time on his behalf and advise him of the Planning Commission's response.

MR. ROOK: So where does that leave us with him?

MS. BORDNER: Well, I would guess that would be up to you guys.

MAYOR HILL: Mr. Mashorda did call me, and I told him he had to come in front of the Planning Commission. He did state before that he has a cousin who was in the construction business -- and the previous owner did put grindings down, but they did not compact the grindings or anything; and most of that -- even though there may be a base there -- has been overgrown. I don't -- you know, it's been this way for years. I would have no problem giving him his extension as long as there's a stipulation that he would get no future extensions.

MR. ROOK: I don't have a problem with that either to be honest with you. I'm a little bit -- I guess annoyed is the right way to say it -- that he waited until almost the last minute to come in and tell you what he was going to do. So it kind of tends to lead a little bit to the credibility about whether he'll do it when he says he's going to do it.

MR. REIDER: I agree with you. You know, I think, at the first meeting we, in fact, didn't even require him to pave as much as he was really supposed to pave. We did give him a break on the first one, and he was supposed to have it completed; and again, like you said -- waiting until almost the last day to have this done.

MR. SHAFFER: Is there any recourse from the Village or Zoning and Planning if he doesn't follow through with his new plan?

MS. BORDNER: Well, I believe if he doesn't follow through by September 1st, I will bring it back before you all, and I would ask that you direct me to --

MAYOR HILL: -- cite him.

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MS. BORDNER: Yeah -- and to be honest with you, I feel that you guys are in the driver's seat right now because, you know, he did come before Planning Commission, and there was an extension from the rules already given. So if, at that time, he has not completed the portion that he's said that he is going to, then I will certainly let you know, and that will be where we are at.

MR. ROOK: At this point, it looks as though he's going to do about half of it by September 1st -- if I'm reading it right?

MS. BORDNER: I would say yes -- and then another 25% by the end of 2023, and the final 25% by the end of 2024.

MR. ROOK: I guess I don't have a problem with that, either.

SOLICITOR DUTTON: That doesn't make any sense. He's doing this in three (3) stages over three (3) years?

MS. BORDNER: That's what he indicated.

SOLICITOR DUTTON: Most of the cost is mobilization, freeing up the equipment and bringing trucks to the site -- and it would be less expensive to do all three (3) at once than coming back year after year. Secondly, this Commission doesn't issue an order based upon whether you can afford it -- or whether you know a guy or have a cousin who can do it. If you want to give him an extension to September 1, 2022, you have that right; but it doesn't look, to me, like it's going to be done by then, and you're going to be back to square one.

Now the recourse the Village has is to cite him; and then to cite him for contempt when he doesn't do that. And you're going to have to ask Village Council to fund taking him to court; and then a judge would cite him and order him to do it -- if that's what you want to do -- but that's your recourse.

MR. SHAFFER: So I guess the next question is if we don't grant an extension for his new plan, then where are we at?

MS. BORDNER: I would say you're exactly where Paul just stated that --

SOLICITOR DUTTON: You cite him for contempt.

MS. BORDNER: -- we would cite him with a Planning and Zoning violation, and then we would need to, I guess, ask Council --

SOLICITOR DUTTON: -- ask Council to fund a legal action and then, you would ask for Court costs --

MR. SHAFFER: Well, my opinion is, like Don said, we've already made accommodations to suit him, and we haven't gotten anywhere with what he agreed to and what we agreed to, so I'm not really comfortable going further with this because we're still right where we were when we first did it.

MAYOR HILL: I would have no problem giving him until September to finish the first phase -- and giving him until, like, next June to finish the second phase; and if he doesn't do it then, that shortens up his time period, and that way we can get something addressed. You know, it's been that way for -- ever since that was a Busy Beaver Lumber Yard, and then it was Bentek, and it's been that way for a while; and then if he doesn't comply then -- say there will be no extensions.

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MR. ROOK: I'm in favor of going that direction, also. However, I still say do half of it by September 1st of this year, which only gives him three (3) months to get it done; and in three (3) months – to see whether he's going to do it or not -- and at that point, we cite him -- agree or disagree?

MR. REIDER: I'm not in favor of giving him any additional time. I mean, I think we've been more than fair, but that's up to each individual's decision -- what they want to do.

MAYOR HILL: If it's 2-2, what happens?

SOLICITOR DUTTON: If it's 2-2, then there's no extension. It's the status quo, which means on June 15, he's in contempt. Then you would have to cite him.

MS. BORDNER: I mean, if anybody wants to hear my opinion?

MR. ROOK: Yeah, sure.

MR. REIDER: Sure.

MS. BORDNER: We've come this far. I don't think that it's going to hurt us to give him an extension until September 1st. I don't want to see you guys setting an awful precedence here -- that we do this and then other businesses will then say, "Well, you did it for one. Now you have to do it for all." But that being said, I can easily make the argument that many businesses have been devastated by Covid, and currently we're in a price inflation on many things that I'm sure no one saw coming. So, I guess -- given that particular set of facts, I would say that I can understand needing it to go to September 1st, 2022, and then if he does not comply at that time, we can always take another look at this. But why don't we just take that first branch and see what happens.

MR. SHAFFER: I guess I could be comfortable going to September 1st, 2022 -- but I don't know about extending it to 2023.

MS. BORDNER: I appreciate what you're saying.

MR. SHAFFER: I mean, he's already had ample time -- and coming at the last minute, all of a sudden -- "I've got a cousin that can do this."

MS. BORDNER: I will definitely communicate the Board's thoughts with him.

MAYOR HILL: I have no problem extending what he wants to do to September 1st, 2022 -- and then giving him until, like, July 1st of 2023, to finish it. That cuts it almost down by a year and 14 months to get the rest done; and I would be comfortable with that -- and just tell him that we will not entertain any further extensions.

MR. SHAFFER: On this first phase that he plans on having done by September 1st, 2022, how much of that is paving that was on the original agreement?

MS. BORDNER: About half.

MR. SHAFFER: Okay.

MS. BORDNER: The interesting aspect of that is -- if you take a look at your original diagram, he was stopping short of where it got into the grassy area, and not going all

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the way to that south property line where the gate/fence is located. His current, new plan is to go all that way, so he is extending it further south.

MR. REIDER: Making it bigger, larger.

MS. BORDNER: Yes, further south -- so he was not required to do that. He was not required to go clear to the gate.

MR. ROOK: So, at this point, it looks like the majority agreement -- letting it go to September 1st of this year, and basically look at it after that.

MS. BORDNER: So you want to do a motion to extend the paving requirement at 5787 Tod Avenue, for Ray Mashorda, to September 1st, 2022 for the area he designated of approximately 125' x 67' feet, which is approximately 8,375 square feet from the front corner of the building, to the downspout on the east side of the sidewalk -- going fully across the parking lot to the south, and to the fenced gate area on the south property line.

MR. ROOK: Can I have a motion for that?

MAYOR HILL: I'll make that motion.

MR. ROOK: Second?

MR. SHAFFER: I'll second it.

MR. ROOK: All in favor?

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. ROOK: Aye.

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

MR. ROOK: That's unanimous.

MS. BORDNER: Thank you so much, sir. That's the conclusion of my report.

MAYOR HILL: We did not address the second part, but I guess we'll wait 'til what he does with the first part, and we can address that at the next meeting.

MR. ROOK: Yeah, that was my intention at this point.

MAYOR HILL: Okay.

SOLICITOR'S REPORT:

MR. ROOK: Solicitor's Report?

SOLICITOR DUTTON: No report.

CORRESPONDENCE:

MR. ROOK: Correspondence?

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MS. BORDNER: None, sir.

OLD BUSINESS:

MR. ROOK: Old Business?

MS. BORDNER: None, sir.

NEW BUSINESS: 1. Site Plan Review and Request of Randy Caldwell of R. Caldwell Holdings Company, LLC, to extend the parking lot paving requirement under Lordstown Codified Ordinance 1163.04 for an area to be utilized for special events at the Lordstown Dairy Queen, 6780 Tod Avenue.

MS. BORDNER: We have a Site Plan Review and request from Randy Caldwell of R. Caldwell Holdings Company, LLC. He would like to extend an area at the back of his property to make a new parking lot so that area may be utilized for special events. He would also like to extend the parking lot pavement requirement, under Lordstown Codified Ordinance 1163.04. This is at the Lordstown Dairy Queen, 6780 Tod Avenue.

The existing zoning of the Lordstown Dairy Queen property is B-1, General Business. Mr. Caldwell purchased this property, located at 6780 Tod Avenue, State Route 45, at the end of 2020. Since that time, he has been working diligently to update the appearance of the Dairy Queen, inside and out, to upgrade the equipment and to improve the quality of the food. A few pictures have been provided to show some of the improvements and updates which he has made. In addition to the building interior and exterior improvements and upgrades, Mr. Caldwell has recently resurfaced the entire parking lot and replaced six (6) old light poles and fixtures. He also obtained Zoning Permits and installed two (2) new, front wall signs which can also be seen in the photographs which he provided.

Mr. Caldwell is seeking to increase and ensure customer safety and satisfaction by creating an additional 70' x 90' parking area in the southwest corner of the property, directly behind the existing parking lot. This area will allow for approximately 28 spaces and will be utilized for special interest groups and special events, such as the Wednesday night car shows and sports teams which frequent the Dairy Queen for after game treats; both such events occurring in warmer weather months. For the car shows, this space will be used to place the cars on display so that the primary parking lot will be available for other Dairy Queen customers, and this will also cut down on any traffic congestion while the event is taking place and will increase customer safety. When sports teams frequent the Dairy Queen after games, the proposed parking area will be used for parking team member's cars. It will be used in conjunction with the concrete pad at the rear of the property, adjacent to the parking area, where team members will be able to sit and enjoy their treats. This arrangement will keep the children safe from other car traffic, including the busy drive-thru lanes. During the week, the proposed additional parking area can also be used for truck parking to eliminate traffic congestion in the primary parking lot and interference with the drive-thru lanes.

The additional proposed parking area will equate to approximately 0.145 acres. Mr. Caldwell has provided both a plot plan and aerial view of the area for the sake of visual clarity. Pursuant to Lordstown Codified Ordinance 1163.04, all parking areas shall be surfaced with a dustless, durable all-weather pavement. Mr. Caldwell is more than willing to comply with this requirement, particularly in light of the fact that he just recently resurfaced the entire primary parking lot; however, he is seeking to gravel the proposed area for this season so that it will pack down sufficiently with use, and would request that he be granted an extension of time, for a period of one (1) year, within which to pave this area.

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Mr. Caldwell is here. If you have any questions, I'm sure he will be happy to answer. Additionally, Fire Chief Travis Eastham stated that he has no concerns with what is being proposed. Utility Superintendent, Darren Biggs, has no issue relative to water and sewer on this property. Police Chief Brent Milhoan indicated that he thought the extra parking space at the Dairy Queen would help alleviate some congestion in the primary parking lot and drive-thru lanes during events or busy times. He also stated that, in the past, cars have been backed up on Tod Avenue to get into certain special events, and he is hopeful that, with this proposed new area and arrangement, it will alleviate that problem. Mr. Hickox, our Street Commissioner, who is here this evening, has no objection to this either.

MR. ROOK: Mr. Caldwell, would you like to step up to the microphone and say some words or -- it's up to you.

MR. CALDWELL: Here?

MR. ROOK: Yep, name and address -- so she can get it on the record.

MR. CALDWELL: Yes, Randy Caldwell, 6780 Tod Avenue, Warren, Ohio 44481. What we're looking to do -- just like she said -- what we propose is just to put a 70' x 90' space in the back. I want to put it in now, use the slag that's there, let it compact for a year, and then pave. So I'm not putting fresh asphalt over top of some new, subcompact material. So that will give it a chance to compact and set so -- and that's nothing out of the ordinary than what we would normally do. So if you have any questions?

MAYOR HILL: I don't have any.

MR. ROOK: No.

MR. REIDER: I just have a comment. I really appreciate how nicely the facility looks. You did a great job.

MR. CALDWELL: Thank you. Thank you. It really came out nice for the community.

MR. ROOK: Any other public comments on --

MR. TURA: My name is Larry Tura, 6840 Tod Avenue -- right behind you, actually -- and I have a couple of questions -- like, what his intentions are about special events? I mean, I was blasted out at 8:00 a.m. on Saturday morning, with some event you got going on, which I didn't appreciate at all. I ran -- looking to see what all the noise was in my driveway.

MR. CALDWELL: Okay.

MR. TURA: It was that loud -- and now, mind you, I've been there for 26 years. I've never had a problem with the car shows, and I really still don't. Although, they've turned the speakers from -- used to point east, to now pointing west. So they're kind of, like, blasting my house -- and other neighbors, all the way on Westview, have complained -- but they haven't brought it to this forum because obviously, they're afraid to -- which is part of the reason why you're here -- to hear from known and unknown people that don't want to bring it in -- like I'm standing here talking right now. So that's something that I'm hoping Randy can take care of because, you know, I'm all about business. I've been in business my whole life, so I'm not trying to shut

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your business down -- but, you know, I have my household there, too. I would like to have my quiet enjoyment as well --

MR. CALDWELL: Uh-huh.

MR. TURA: -- and not hamper you from making your money.

MR. CALDWELL: Saturday wasn't a car show. That was a (INAUDIBLE-SPEAKING FROM THE FLOOR) -- I wasn't there, unfortunately, and I keep that thing down.

MR. TURA: Okay. Well, you weren't there -- and trust me, it was shockingly loud.

MR. CALDWELL: I'll take care of that.

MR. TURA: So I could have, probably, handled this in that forum, but I kind of felt I would come here in front of the public and give you my opinion.

MR. CALDWELL: Right.

MR. TURA: And with that being said, you know, the other issue I have is about truck parking.

MR. CALDWELL: Uh-huh.

MR. TURA: I'm way against truck parking because they park there all night. They run reefers all night.

MR. CALDWELL: I (INAUDIBLE) -- (WHEREAS, WITNESSES WERE SPEAKING FROM THE FLOOR AND AT THE SAME TIME -- NOT COMING FORWARD TO THE FRONT OF THE ROOM TO TESTIFY -- AND PROCEEDINGS WERE AS FOLLOWS:)

COURT REPORTER: I'm sorry. Solicitor Dutton -- can we, like, have one talking at a time?

MS. BORDNER: Just please repeat it, Larry.

MR. TURA: I said my other complaint I had was about truck parking, and I am adamantly against truck parking because they park there all night, and they run reefers all night, and it's just an annoyance that I don't think I should deal with because it's not a truck stop. There's plenty of truck stops around where these people can go. In fact, there's a truck sitting on your property right now. It's been there all day. It's still there and --

MR. CALDWELL: Uh-huh.

MR. TURA: -- I mean it's obviously your property, and you can do what you like. I'm just telling you I have a problem with them when they're there overnight and running 24 hours -- well, maybe not 24 hours -- but many hours of a reefer running on there. So those were, I guess, maybe the two (2) big issues that I have, so --

MR. CALDWELL: As far as the overnight parking, we have signs up. They're not supposed to be there overnight, and I have no problem with the Police Department -- if there's somebody there past 10:00 p.m., go throw them out. They're not supposed

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to be there -- and not just because of your house. I just put one hundred grand of paving in.

MR. TURA: Exactly.

MR. CALDWELL: They're not supposed to sit there. They're told that by us. The guy you're talking about was told. He asked, "Can I park there all night?" The girl said "No, it's a law. You're not allowed to be here." He said, "Then I'll be out of here soon"

MR. TURA: Well, I probably should have come to you in private, but I'm glad I did it this way. It's on the record now that we're all on the same page, and I don't really have any other comment -- unless my wife may?

MR. ROOK: Any other public comments?

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

MR. ROOK: How about from the Committee members?

MAYOR HILL: No, I'm good.

MR. ROOK: No?

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

MR. ROOK: No comment -- do you want to make a motion?

MS. BORDNER: Yes, Mr. Rook, so if we could have a motion to approve the Site Plan for R. Caldwell Holdings Company, LLC, and to extend the parking lot pavement requirement, under Lordstown Codified Ordinance 1163.04, to afford an extension of time to pave the 70' x 90' area at the rear of the property within a one-year period of time from creation, that would be appreciated.

MR. SHAFFER: So moved.

MR. REIDER: Second.

MR. ROOK: Roll call?

MS. BORDNER: Mr. Reider?

MR. REIDER: Yes.

MS. BORDNER: Mr. Shaffer?

MR. SHAFFER: Yes.

MS. BORDNER: Mr. Hill?

MAYOR HILL: Yes.

MS. BORDNER: Mr. Rook?

MR. ROOK: Yes.

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

NEW BUSINESS: 2. Request by Lordstown Street Commissioner, Ron Hickox, and TJX for Street Dedication and Acceptance of the relocated Hallock Young Road.

MS. BORDNER: This is a request by TJX and our Street Commissioner, Ron Hickox for a dedication and acceptance of the relocated Hallock Young Roadway. On May 19th, 2022, TJX Official, Mark Hernon, issued a letter to the Village of Lordstown Planning Commission regarding the Home Goods facility located on Ellsworth Bailey Road and the relocated Hallock Young roadway as follows:

"Dear Members:

As you may have seen, the construction of the relocated Hallock Young Road adjacent to our project has been completed. Said construction of the roadway and drainage system has been created in accordance with the dictates of the Lordstown Codified Ordinances.

We hereby submit the required materials and respectfully petition both governing bodies of the Village of Lordstown to accept the roadway and drainage system for public use and dedicate the road as a public roadway accepted for public use.

We look forward to the Planning Commission reviewing our request at its earliest convenience as well as the Village Council.

Thank you.

Mark Hernon, Regional Real Estate Director, TJX Companies."

TJX has provided a 2-year maintenance bond, the original of which has been given to the Village Clerk; an aerial photograph of the relocated Hallock Young roadway; a legal description of the relocated Hallock Young roadway and dedication survey maps for the relocated roadway.

Our Village Engineer, Chris Kogelnik, issued an email on May 16, 2022, letting everyone know that there were no outstanding punch list items or issues of an engineering concern observed following the recent completion of the emergency driveway and the roadway berm improvements.

Utilities Superintendent, Darren Biggs, has no issues relative to water and sewer. Police Chief Brent Milhoan and Fire Chief Travis Astham have stated that the emergency ingress and egress looks much better and is very usable for emergency situations. Both have requested keys from the TJX Company for the two (2) locks that are on the gate leading into the paved area around the facility. This request was forwarded to TJX officials by myself.

Mr. Cavicchi, who is here this evening, has responded that the facility manager would obtain those keys and would contact the Planning and Zoning Office when he had them available.

Street Commissioner, Ron Hickox, is present also to offer his thoughts and opinion.

MR. ROOK: Okay.

MR. HICKOX: We've been out and inspected, and we have no objection. Everything looks fine.

MR. ROOK: Okay -- anybody else want to make any comments?

MR. DIETZ: Public comments?

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MR. ROOK: Yes, sir.

MR. DIETZ: Tom Dietz, 2821 Hallock Young Road. My house sits right in the middle of the one-mile block, and I have a question for TJX. Ron knows about it -- why did we not get a turn lane into Hallock Young Road, heading north? We're supposed to stop in the road and make our turn if there's traffic coming? There is no turn lane to make a left-hand turn off of Bailey Road, and Ron knows this as well.

MAYOR HILL: Tom, this doesn't have anything to do with the relocation of the road. That's a totally other issue.

MR. DIETZ: Why? They've put turn lanes in for going into their place and everything -- we don't deserve one, too?

MAYOR HILL: We're here to address the relocated Hallock Young Road.

MR. DIETZ: Never mind, Arno. The majority of the citizens -- people on that road didn't want it to go straight through. They wanted a cul-de-sac. You did what you wanted to do.

MAYOR HILL: Tom, I hate to tell you, but I was a proponent of the cul-de-sac -- as were several people sitting here -- and it was, originally, approved as a cul-de-sac; and then after the zone change came about, we had some people on Council who felt they wanted a thru-road. The leader of that, who lived on that road -- lived right across from you -- after that happened, quit Council and moved out of state. I was a proponent of making that -- because I know about 80 percent of the people on that road who wanted it -- a cul-de-sac --

MR. DIETZ: Right.

MAYOR HILL: -- but it went three to two (3-2) in Council, because Mr. Radtka couldn't vote, I would have broken a tie to keep it a cul-de-sac. It didn't happen, Tom, and that's what --

MR. DIETZ: Arno, what I'm saying is -- it's going to have to be Lordstown's expense to put a turn-lane in there.

MAYOR HILL: If one proves to be needed, Tom. That's your opinion, and you may or may not be right. I can't answer that.

MR. DIETZ: Never mind.

MR. ROOK: Any other public comments?

MR. EUBANK: Yes, I have a question. Phillip Eubank, I live at 2791 Silver Fox. Why does TJX need access to that down side -- is it a truck route? That's my question. What's the access of Hallock Young road for TJX? What purpose does it serve for you? How are you going to utilize that as TJX?

MS. BORDNER: If I may, the ingress and egress that they were working to correct and fix off Hallock Young, which is what took some time given Covid restrictions and supply chain demands, is for emergency vehicles. Our safety services were not happy with the way that it was, and would not have been able to safely get a fire truck, an ambulance, or a police car, up the embankment that goes up into the parking area. There's a gate there that's locked, and that's why they want the keys, so that they will be able to unlock them instead of having to break them and cost TJX

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money to have to replace the locks anytime they would have to go in, but that access drive is for emergency personnel only.

MR. CAVICCHI: Correct.

MR. EUBANK: So if they're going to utilize the road -- in no way, shape or form, will there be truck traffic on it or anything?

MR. CAVICCHI: There's really no need. I mean, I'm not an operator of the Distribution Center. There's no need for trucks. That was just, strictly, the request of the Village -- to have the relocation of the road -- the straightaway.

MAYOR HILL: That's for safety vehicles.

MR. EUBANK: Is the road going to be deemed a "no-truck route" with no trucks allowed on that route to access it? That's my question.

MR. ROOK: Is the gate going to remain locked all the time?

MS. BORDNER: Yes.

MAYOR HILL: Yes -- the gate will remain locked all the time.

MR. CAVICCHI: The gate is only, as Kellie said, emergency into the property. Other than that, there won't be any TJX trucks. I can't tell you about local -- but I can tell you no TJX trucks will go in through there.

MAYOR HILL: That was put in, strictly, for police and fire and ambulance.

MR. CAVICCHI: It's not built for trucks.

MS. BORDNER: But I believe Phil might be talking about the relocated roadway itself. I think he's saying -- now that they've relocated the roadway around the plant -- is that what you're asking?

MR. EUBANK: Yes. Is it going to be a "no-truck route"?

MR. DIETZ: Yes, it's already deemed a "no-truck route."

MR. EUBANK: Okay, then my next question is if -- so it's needed for emergency vehicles? I mean, I just can't understand. They wanted a cul-de-sac. No one wanted a thru-road that lives on that road except for one (1) person, specifically -- and it was Karen Jones. They spent a lot of money to create a road. Now they want to open the road. The people on Hallock Young -- I don't live there. I have no skin in the game -- absolutely zero. It doesn't matter to me in any way, shape or form; but haven't people on Hallock Young already paid enough, with a very large building sitting above them, to look and stare at very nicely for the rest of their lives? It wasn't supposed to be there, but it is. Business is business. It comes to the point with the people on Hallock Young, it's going to be a raceway through there. It's going to be a cut-thru -- TJX workers. They have a lot of workers.

MAYOR HILL: I would look up the record, and I would find out -- who the Council people who voted for it, and find out why they did -- because I was in support of that. And I'll give you another kicker which really upset me. The first time I met TJX, when they came in here, they came in here blind. We did not know who they were. When they're looking for site selection, that's the way they come in. They said, "What can we do for the community?" I told them -- I said, "If you could get some money so we can extend natural gas lines in the Village for a lot of residents --

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even though there's a lot of gas wells here, we have a lot of residents who do not have natural gas." And they said -- we'll see what they can do. Well, they were going to get -- before they had to put the relocated road in, which cost probably around three (3) million bucks, TJX had offered me a million dollars (\$1,000,000) -- "me" being the Village -- to extend natural gas lines. Pritchard Ohltown needs gas. Lyntz Road needs gas. Bailey Road, from the railroad bridge down to Lyntz Road, needs gas. A million dollars (\$1,000,000) would have gone a long way -- but once they had to spend that extra money, because certain people on Council wanted that thru-road put through there, there went the money for -- to service the residents; and that would have helped a lot of people out -- could have got off of propane, fuel oil, electric -- but I only vote in the case of a tie, and that went down three to two (3-2).

MR. EUBANK: The biggest question I have is -- if it's for emergency services, if they're not going to be utilizing the road, and it's not for truck access -- if it's emergency services, I mean, they can access emergency services through the front. Why would they -- why would they penalize the people on Hallock Young? I know other people who live on Hallock Young are probably in the audience today. Surely, I wouldn't want a -- it's a very nice road. They did an excellent job.

MR. ROOK: There's some confusion --

MS. BORDNER: Let me explain. I don't want you to be confused. This is for purposes of opening up this roadway for public use.

MR. EUBANK: Correct.

MS. BORDNER: So any residents can use that. It is already a "no-truck route," as Mr. Dietz has pointed out. So relocating it, isn't going to change the nature of that roadway. It will remain a "no-truck route," but it's for public use -- for cars, for people to go through.

MR. EUBANK: Okay, okay.

MR. DIETZ: Kellie, I can explain the fire emergency use for that. If they have to abandon that plant because of a bomb threat, the fire trucks and emergency vehicles cannot buck the traffic coming out. They've got to get the emergency vehicles into that plant to take care of the emergency. That's why the gate was put in off of Hallock Young Road for emergencies -- because I've seen the time that -- 45 years as a firefighter out here, when they have to abandon, like, the school or something because of something -- how do you get fire trucks in? You can't get in with all these people rushing out. That's the reason for the emergency road.

MR. ROOK: Yeah, I think we just have a little confusion on the two (2) roads. Are you straight with it now?

MR. EUBANK: Okay, yes -- yes.

MR. ROOK: Any other public comments -- yes, sir?

MR. BRINK: My name is Jeff Brink, 2892 Hallock Young -- and I've only lived here for a few years, and I actually voted for the cul-de-sac. And I believe, as you said, most of the people did -- and I'm totally understanding the Democratic method, and if we lose the vote, we lose the vote. I feel it's unfortunate that the choice was made beyond what we wanted with the fact that I agree with you -- is that we have to live with it; and I understand business is business, and I agree with you; and we have to live with it in our backyard, which wasn't intended, but that's understandable. My question is -- is there any way -- and I don't know if there is, legally, you can -- first of

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all, I would still prefer a cul-de-sac. I do not like the thru traffic. I thought when the road was briefly opened -- I mean, it was supposed to be -- the through traffic was not safe. It creates a dangerous environment. I don't like it. The people don't respect us. They use it as a cut-through. Can we lower the speed limit considerably? I don't know if we can. I'm just asking, as a citizen -- can we change the speed limit on the road? When it was open, briefly, the traffic coming through was ridiculously unsafe. And I know you said well -- I'm just talking about it again. I'm walking up. I know I -- I'll be done walking, obviously, with the thru-traffic. The danger now is substantially higher, so I understand that. It is what it is. I preferred the cul-de-sac. I lost. I'm just asking if there's a way to adjust the speed limit?

MAYOR HILL: That comes under the guise of my office, and I was going to post it at 35, which most Village streets are -- and, you know, I don't think we can go much lower than that, but I have no problem -- I don't know what it is right now?

FROM THE FLOOR: It's 45.

MAYOR HILL: I can lower that to 35, and I'll talk to the Street Commissioner, and we'll see if we can get some signs up because if it's 35, you know, that's -- I can agree with you.

MR. BRINK: It's just nuts.

MAYOR HILL: And I agreed with the cul-de-sac, but that's the way it went.

MR. BRINK: We lost. I get it, I guess. That's democracy. We lost.

MRS. DIETZ: I noticed the other day --

MAYOR HILL: Sharyn, we need you to come up here and identify yourself, Sharyn. You can't just yell from the audience.

MRS. DIETZ: Sharyn Dietz, 2821 Hallock Young Road. I noticed the other day, I went down Pleasant Valley, and Pleasant Valley is only 25 miles an hour; and I told -- went home, and I told Tom -- I said, "You know, ours is 45. Pleasant Valley is only 25."

MAYOR HILL: Pleasant Valley is a lot more congested than you, and I have no problem reducing it to 35 miles an hour -- but that's also a dead-end, too. There's no reason for anybody to speed on that road. I wish your road were a dead-end, but that's -- by Ordinance, the Mayor can set the speed limit on anything except for State and Federal routes. So I can't touch Route 45. We've had people say they want that reduced -- but I do have a right, under Village Ordinance, to set the speed limit on Village roads.

MR. ROOK: Any other public comments?

MR. KOVAC: Ray Kovac, 2956 Hallock Young Road. I know this isn't going to go with anybody, but I don't see why a barrier couldn't be there since 80% of us wanted a cul-de-sac. We can't have it -- leave the barrier there, and put a dead-end sign -- "no entrance, no exit."

SOLICITOR DUTTON: It's a public roadway. It will be accepted tonight, I'm assuming. The Village will own it and maintain it, and public thoroughfares cannot be disrupted with a barricade unless there's an emergency condition. It would be like

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putting a barricade on Route 45 or Salt Springs Road. You just -- it's open to the public -- the residents and non-residents.

MR. ROOK: Any other public comments?

MR. CHAFFEE: -- half-jokingly, I ask if it could be made a one-way street?

SOLICITOR DUTTON: That would have to be the recommendation of the Street Commissioner. You probably would have to do a traffic study to see where most of the traffic goes -- and whether making it one-way, would cause more disruption than it would alleviate.

MR. CHAFFEE: You could also leave the "road closed" sign in my front yard. It's been there for a couple of years. I have no objection to that.

FROM THE FLOOR: I do.

MR. ROOK: Any other public comments?

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

MR. ROOK: Member comments on it?

MAYOR HILL: I've said enough.

MR. ROOK: Okay.

MS. BORDNER: Mr. Rook, I just wanted to add that this matter has been on-going since November 18th of 2020, when we first began the whole dedication and acceptance process with TJX. So when we make our motion, if this Commission would be so inclined, please request that Village Council pass an Ordinance by emergency.

MAYOR HILL: It is going to be on the agenda. That was discussed in today's finance meeting, and it should happen.

MS. BORDNER: So then if there's no other comments, we would need a motion to Dedicate and Accept, for public use and maintenance, the relocated Hallock Young Road as a public street within the Village of Lordstown, and request that Village Council pass an Ordinance to this effect by emergency passage.

SOLICITOR DUTTON: Did you give Peggy the information?

MS. BORDNER: We already have the legislation. We're ready to go.

SOLICITOR DUTTON: Okay, good.

MR. ROOK: Would somebody make a motion?

MAYOR HILL: I'll make that motion.

MR. SHAFFER: I'll second.

MR. ROOK: Roll call?

MS. BORDNER: Mr. Shaffer?

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MR. SHAFFER: Yes.

MS. BORDNER: Mr. Hill?

MAYOR HILL: Yes.

MS. BORDNER: Mr. Rook?

MR. ROOK: Yes.

MS. BORDNER: Mr. Reider?

MR. REIDER: Yes.

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

PUBLIC COMMENTS:

MR. ROOK: Any other public comments?

MR. TURA: Yes -- Larry Tura. I wanted to comment about Marcianda.

MS. BORDNER: Mashorda?

MR. TURA: Yeah, his business up there, about the asphalt -- we've danced around with this, now, for a long time. And I'm really surprised that you guys gave him more time because he probably had no intentions of paving that. You guys know it. You sent it to the Board of Zoning Appeals. We upheld your decision, and here we are again. And you know what -- in September, we'll be here again -- because he doesn't intend on doing it whether it's expensive or not. It's expensive -- it cost this man one hundred thousand dollars (\$100,000). What about the car wash beside it? It cost him a lot of money. So it's just part of doing business, and that's all I have to say about that -- and the blacktopping.

MR. ROOK: I think Mr. Mashorda will, eventually, either do what we want -- or he will be taken to task for it.

MR. TURA: Well, and he should have been cited now -- and then if he'd done it by September, then you could have always vacated your decision; but now, you've given him another six (6) months, and then maybe even possibly --

MAYOR HILL: No, it's less than three (3).

MR. TURA: Okay, forgive me for that -- but a few months, and then you're going to -- you maybe extend it. And then he's saying, "Okay, I'm going to do more than you asked." And then he's going to come back and say -- and I'm only -- because I'm part of this, and I've heard this -- he's going to say, "Well, I'm not going to do all of that because I'm not required to." So it's a big dance, here, with this blacktop. And I think all of you guys agree that he's been -- I don't want to use the word playing us -- but he's been playing us. He played you. He played our committee, and now he's back to you -- and Mr. Reider, you know that you're against this.

MR. REIDER: (NODS HEAD AFFIRMATIVELY.)

MR. ROOK: I think September the play will be done.

MR. TURA: Well, I hope so.

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MR. ROOK: Okay -- any other comments?

MR. BRINK: I would like to ask a question.

MR. ROOK: Sure.

MR. BRINK: It's Jeff Brink. My question was -- and I appreciate Mayor Hill telling us about the vote, and we voted for the cul-de-sac. Are we allowed to be aware of why the Council -- or what was their rationale in changing, because we -- I was here at the meeting, when everybody was -- it's going to be a cul-de-sac. Everybody was okay. We walked out of the meeting. Then a week later, it was changed. What was the rationale of the three (3) votes?

MAYOR HILL: You would have to talk to the three (3) people. And the one moved to Lisbon, Tennessee.

MR. BRINK: Yeah.

MAYOR HILL: And two (2) other Council people voted. I think one of them said -- "I just feel it should be a thru-road." And I think part of it was because when the zone change got passed, and they did not want the zone change -- and I may be wrong, but my opinion is that two (2) of them felt -- well, they got the zone change, now we're going to make them pay to relocate the road. That's -- I truly believe that. I can't prove it.

MR. BRINK: Again, you may not even know.

MAYOR HILL: I may not even know, but you know, I -- why the one (1) person, after all this happened, quit and moved to Tennessee? We have no idea.

MR. BRINK: I just -- when we left here, it was pretty clear cut. And then, again, it changed after the Council meeting.

MAYOR HILL: You had a big cheerleader on your side named Carla Click, who lives -- the second house on the north side from TJX, and she came and took the petition and everything and said, "We want a cul-de-sac." And I know 80% -- she came -- she came here meeting after meeting after meeting. The thing is three (3) voted against this, and Mr. Radtka couldn't vote, and we were dead in the water.

MR. BRINK: I was just more curious on the rationale of why they would go against what the majority wanted to do.

MS. BORDNER: There may be some information, to that effect, on the record. Our minutes are all on our website at Lordstown.com under Agendas and Minutes. I think that one should still be on there, but I'm not sure.

MAYOR HILL: What was the original timeframe for that? I think it was 2019.

MR. BRINK: Yeah.

MAYOR HILL: 2019 -- and all the Village minutes, they're approved after -- the meeting after they're taken because they have to be approved by Council before we -- so say, like, it's the first Monday. They're approved the third Monday, and then normally posted after that. We don't post unapproved minutes. So they should be just at Lordstown.com, and look for Agendas and Minutes, and go through there. There may be a rationale there.

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MS. BORDNER: And Jeff, if you can't find it on there, please call my office. I will find the date, and I will get the minutes to you.

MR. BRINK: It's not really important. I was just curious.

MS. BORDNER: I would be happy to help.

MR. BRINK: Thank you.

MR. ROOK: Any other public comments?

MR. EUBANK: I do -- Phillip Eubank, 2791 Silver Fox. I understand that, you know, the road was -- this is a dedication that's going to be open, but my question is -- if clearly, the cul-de-sac was the better choice -- and clearly, it was -- all the participants -- all the people living on that road, deemed it to be the choice; and now we're in the situation where everybody wants it as a cul-de-sac, but we're just going to overlook that and move forward with it being a road. I know they have spent some great expense creating the road, but couldn't it be dead-end on both sides, and not a thoroughfare? I'll express it this way as easily as I can -- if the people on Hallock Young got to receive the luxury of having a huge facility above them -- okay? -- that they did not want -- now on top of that, they get an additional road that they don't want, there has to be some kind of -- I know you guys have made a decision, and I know it's not going to change anything, but there's a time to do the right thing. And say, "Hey, we made a mistake" (INAUDIBLE) --

MAYOR HILL: The only one who can reverse that, would have to be Council -- and you would probably have to petition Council and see if you can get Council members to bring in legislation to try to address that. Do you agree with that, Mike?

MR. CHAFFEE: Sounds right.

MAYOR HILL: I think that's about the only way they can do it. You would have to address Council and see if you can get Council people to come on and make that a dead-end road -- but if it were a dead-end road, I'm sure the Street Commissioner, nor Police nor Fire would accept it without having a cul-de-sac at the end to turn around safety and maintenance vehicles -- and who would pay for that?

SOLICITOR DUTTON: It's more than that. You're talking about a petition to vacate a road, which is done all the time -- usually, when there's no activity. In urban areas, inner cities -- where housing is deteriorated -- roads are vacated all the time. In this instance, it's a newly-constructed road, and you require the unanimous consent of everyone who abuts that road -- unanimous. The largest property owner is TJX. So they just spent \$3,000,000 to relocate the road. Why would they want to abandon the road -- or vacate the road? And then the other property owners, who abut that road, would also have to consent. Council would then have to expend money to not just vacate it, but to dig up all of the asphalt because there are curbs there -- or whatever is there. You also have some utility lines there, don't you?

MR. EUBANK: Yes.

SOLICITOR DUTTON: So you would have to either continue an easement across there for those utility lines or (INAUDIBLE) --

(WHEREAS, THOSE IN ATTENDANCE WERE SPEAKING AMONGST THEMSELVES, MAKING TESTIMONY INAUDIBLE TO THE COURT REPORTER, AND PROCEEDINGS WERE AS FOLLOWS:)

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SOLICITOR DUTTON: -- and you're talking about \$5,000,000 or \$6,000,000 dollars to do that. So that dog probably won't hunt here.

MS. BONIFACIO: Can I make a comment?

MAYOR HILL: You're going to have to give your name -- name on the record, please?

MS. BONIFACIO: Wanda Bonifacio -- 2989 Hallock Young Road. Not everybody on that street wanted a cul-de-sac. Some people wanted the road to go straight through -- however, those people weren't very vocal. They kind of just set back. I had occasions, twice, in the last six (6) months to have emergency services come -- because he had a bad stroke; and after that, we had people coming from home health care. They couldn't find our house. The road is finished. It's a done deal. Why are you making a fuss -- and not everybody wanted a cul-de-sac. It's just like I said. A lot of people didn't want to make a fuss, and I am one of those people. So if the road is opened up, it would be a lot easier for me to go to Pittsburgh to the hospital with my bad heart. It would be a lot easier to go to the Turnpike. It's just easier. And I've lived there for 26th years -- and for most of those years, General Motors was there, and there was a lot of traffic up and down the road. And I do live down at the end of the street -- and the people who live up at the other end, find it easy for them to go speeding past my house -- just because they live up at the end of the street, and they don't have as much traffic. I still have traffic. So that's my say.

MR. ROOK: Okay, what it comes down to, at this point, is if the road has been approved, it will open up; and at that point, try it -- see if you like it. If you don't like it, there are recourses that you can take if you so desire. Whether it would be sufficient to close it or not, I don't know.

MR. TURA: The Mayor has already offered to lower the speed limit. So that's bound to help.

MR. ROOK: Yeah, get the speed limit lowered, and let's watch it and see what happens; and if it doesn't work, then you have another recourse. Any other public comments?

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

MR. ROOK: Board comments?

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

ADJOURNMENT:

MAYOR HILL: I'll make a motion to adjourn.

MR. SHAFFER: I'll second.

MR. ROOK: All in favor?

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

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MR. ROOK: Aye.

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

MR. ROOK: Thank you.

(WHEREUPON THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE
PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTERS, CONCLUDED
AT 7:30 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner
Planning & Zoning Administrator

Richard Rook
Vice Chairperson