

RECORD OF PROCEEDINGS

Minutes of

Meeting

Village of Lordstown Planning Commission

BEAR GRAPHICS 800-325-8084 FORM NO. 10148

Held

October 11, 2022

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The Lordstown Planning Commission met on October 11, 2022, 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. All members present, no need to excuse those absent.

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 and Zoning Administrator
Debbie Bracken, Assistant Planning and Zoning Administrator

Also Present: Mike and Georgeann Dirando, 2860 Pleasant Valley Drive
Kevan Dixon, 2850 Pleasant Valley Drive
James Carrell, 2900 Pleasant Valley Drive
Windi and Maya Kresic, 2841 Pleasant Valley Drive
Bruce and Patti Watson, 2901 Pleasant Valley Drive
Larry and Margie Biggs, 2875 Pleasant Valley Drive
Philip Eubank, 2791 Silver Fox Drive
Cindy Wilk, 2861 Silver Fox Drive
Kelly Medved and Andy Kish, 2830 Silver Fox Drive
Jill Acierno, 2851 Silver Fox Drive
George Johnson, 2841 Silver Fox Drive

APPROVAL OF AGENDA:

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

MAYOR HILL: So moved

MR. RECH: Second?

MR. ROOK: Second

MR. RECH: All right, all in favor, say "aye."

MR. REIDER: Aye

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

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

APPROVAL OF MINUTES OF JUNE 13, 2022

MR. RECH: All right, that passes. We also have the minutes from the September 12, 2022 meeting that were sent out. Is there a motion to approve those?

MR. REIDER: So, moved, Mr. Chairman.

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MR. RECH: All right. Is there a second?

MR. SHAFFER: I'll second.

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

MR. REIDER: Aye.

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. ROOK: Aye.

MR. RECH: Aye.

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

PLANNING AND ZONING ADMINISTRATOR'S REPORT

MR. RECH: All right, is there a Planning and Zoning Administrator's report this evening?

MS. BORDNER: No report, sir.

SOLICITOR'S REPORT:

MR. RECH: Is there a Solicitor's Report?

SOLICITOR DUTTON: No report.

CORRESPONDENCE:

MR. RECH: Thank you -- is there any correspondence?

MS. BORDNER: No, sir.

OLD BUSINESS:

MR. RECH: Is there any old business?

MS. BORDNER: No, sir.

NEW BUSINESS: 1. Proposed Replat on Pleasant Valley Involving Dirando Parcels at 2860 Pleasant Valley and Parcel 45-903847.

MR. RECH: All right, then we'll move on to New Business -- Proposed Replat on Pleasant Valley Involving Dirando parcels at 2860 Pleasant Valley and Parcel 45-903847 -- Kellie?

MS. BORDNER: Yes, sir. On October 8, 2021, Michael and Georgeann Dirando purchased vacant Parcel Number 45-903847, formerly owned by the Zimmerman family, on Pleasant Valley Drive. Thereafter, on October 19, 2021, the Dirandos purchased Parcel 45-903042 from Brett and Kathy Dickson, which was home to an approximate 4,000 square foot single-family dwelling, and a large back yard deck with above ground pool encompassing approximately 1,800 square feet for those two structures.

Both Dirando parcels are pie-shaped, each with approximately 206' of rounded frontage on Pleasant Valley. Both parcels are also home to an area which has been identified as a riverine by the U.S. Fish and Wildlife Service's National Wetland Inventory, alternatively identified as a stream by Jeff Mihalik, a biologist and wetland

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expert with JM Environmental Consulting of Poland, Ohio, who was hired by the Dirandos, and a 20' drainage easement, as identified by AES Surveying and previous documents filed with Trumbull County. The riverine or stream exists inside the 20' drainage easement.

The Dirandos have been in the Planning and Zoning Office several times this year, seeking information on building a single-family dwelling on the vacant Parcel 45-903847. They were provided with the Village Zoning regulations for building a new home. They also had questions about building a detached garage/pole barn on each of the individual parcels that they own.

Ultimately, because of the fact that both parcels at issue are pie-shaped, offering limited rear-yard usage space, and the fact that there is a stream encased inside the 20' drainage easement, which runs across both of the parcels, the Dirandos determined that it would be better to combine and replat their two (2) parcels to maximize their usage potential.

The Dirandos have met replat requirements set forth in Lordstown Codified Ordinance 1103, including engaging in the task of hiring a surveyor to prepare a Replat Map and a new legal description. If they are successful with the consolidation and replat of their two (2) parcels, it is their intention to build a detached garage/pole barn occupying a minimum of 1,296 square feet to the southwest of their single-family dwelling, in the currently vacant area on the west side of the stream and drainage easement.

They also wish to build a vinyl fence along their west property line, and a large footbridge is proposed to be constructed to cross over the 20' drainage easement without disruption in the natural water flow. The Dirandos desire to fully join both sides of the combined parcels for greater usage by the entire family, including biological children, foster children, and grandchildren. Detailed drawings and information have been provided to the Lordstown Planning and Zoning Office, including the footbridge and fence, and the Dirandos are aware that they will need to obtain a zoning permit prior to construction. The Dirandos would respectfully ask that the Lordstown Planning Commission grant their replat request.

In addition to the information provided by the Dirandos, the Planning and Zoning Office has received multiple comments from residents in the area -- including, most recently, regarding Plat Restrictions which apply to Lot 8A, which is the Dirando vacant parcel.

Reading from an Agreement to Modify Plat Restrictions for Lordstown Pleasant Valley Estates IV, which were recorded with the County on August 31, 2009, there is a paragraph that states -- and I quote -- "The agreement to terminate plat restrictions does not apply to unsigned Lot 10A of this petition and unsold Lots 8A, 11 and 12. The restrictions and amendments continue to apply to Lots 8A, 10A, 11 and 12."

This document also references restrictions which were recorded on November 30, 1979, and in that document, item number two (2.) USE OF LAND, it states -- and I quote --

"A. The land included in said subdivision shall be used exclusively for residential purposes only and no other purpose. No building of any kind whatsoever shall be erected or maintained on the land, except: (a) Residential dwellings; (b) Private garages for the sole use of the respective owners or occupants of the building plots upon which such garages are erected; (c) Buildings, including garages for the storage of non-commercial vehicles, equipment and tools used in the maintenance of

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the building plot upon which is erected, private green houses, spring or pump houses, garden shelters and bath houses accessory to swimming pool; (d) Building or buildings to shelter domestic pets kept for the pleasure of the occupants of the land.

Item five (5.), APPROVAL OF PLANS.

Letter D. PRIMARY BUILDING:" It states -- and I quote -- "The main dwelling must be constructed before the erection of any secondary building and no structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently."

The Dirandos are here and, I'm sure, willing to answer questions. There are also several other residents from the subdivision area present tonight.

MR. RECH: All right. Thank you very much. Who are the Dirandos, please? Would you like to step up and introduce yourself -- and just state your names and address, please.

MR. DIRANDO: Hello, I'm Mike. This is my wife, Georgeann.

MRS. DIRANDO: Hi, Georgeann. Well, like Kellie had said, we are just looking to replat. This is just a rough drawing that Mike did with all the kids, and I'm sure that everybody here has seen all the kids. There is about 10 of them, including us, so about 12 in the house.

FROM THE FLOOR: We can't hear you.

MRS. DIRANDO: There's about 12 of us in the house. With that being said, we just were looking for storage. We were looking to do a pole barn, steel building.

I don't want to see an eyesore, just like you don't want to see an eyesore. With that being said, we were either going to put the building here (INDICATING) -- or more towards the back -- because this doesn't do it too much justice. The lot is actually bigger than what you're seeing here. So we were going to push it back and hide it with a vinyl, privacy fence -- allowing the kids to cross from one (1) lot to the other; and then that's where this ravine comes in.

And it is not a wetland, per the paperwork and the hiring of the people who come in and do whatever. I know that you guys are worried about drainage issues over here (INDICATING) --

MR. DIRANDO: -- so are we.

MRS. DIRANDO: -- and so are we. We are going to put -- if we did another catch basin in to catch all the water, it will be deep enough where, actually, you can go in there and still be able to clean it out and actually walk through it if you had to.

And then push that out back -- to the back -- so there is no interruption of the water. That, basically, was it.

MR. DIRANDO: Basically, by replotting -- making it all one (1) property -- our house becomes the dwelling, which would allow for another structure, other than a residence, to be put on the lot.

MRS. DIRANDO: Originally, we were going to do a residence over there; but then my daughter decided to buy five (5) acres at the top of the street on Lyntz, and then

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left me with this. So that's why I said -- well, I'll use it for my benefit, and go ahead and just put up a --

MR. DIRANDO: We're doing a lot of work. We're trying to keep the property up. We're trying to keep it clean, you know. I'm constantly out there working -- so we don't want any eyesore as well.

FROM THE FLOOR: How big is the (INAUDIBLE) --

MR. RECH: Hold it, hold it, hold it -- this isn't public comments yet.

FROM THE FLOOR: Oh.

MR. RECH: This is them talking.

FROM THE FLOOR: Okay.

MR. RECH: We'll have public comments, and then you can ask -- state a question -- and then we can refer it to them -- but we're not on trial here. This isn't a courtroom.

FROM THE FLOOR: Okay.

MRS. DIRANDO: With all that being said -- a general idea -- we were thinking of a minimum of a 30' x 30' -- but making it with like the cupola on top, so it is pretty. I don't want to look at anything that's ugly -- and, you know, with a little bit of a porch or a deck on it with nice landscaping. Pretty much, you know, as you see it, but probably pushed back a little bit more -- not so close to the street.

MR. DIRANDO: Nice, green yard.

MR. SHAFFER: Can you turn it this way a little bit? (INDICATING)

MRS. DIRANDO: And the lot has been sitting there, I think, for like 19-plus years. I mean, it was free for anybody to grab a hold of it -- and here we are.

MR. RECH: So any questions from Planning Commission members up here?

MAYOR HILL: Not yet.

MR. RECH: Not yet, okay. I have one. So what were you thinking you were going to construct a pole barn out of -- or a steel building?

MR. DIRANDO: It will probably be a steel building. It will have a footer, concrete -- the whole nine yards. Whatever the code calls for, it will follow the code.

MR. RECH: Okay.

MRS. DIRANDO: It will have a nice wainscot at the bottom. I'd like for it to match the house. This way it, you know, compliments each other -- but then, you know, we'll see how that goes, too -- but it will be a steel building.

MR. RECH: Okay. I guess the hard question that I need to ask -- I'm assuming before you bought this property, you reviewed what the subdivision covenants were in this development, and I'm assuming you probably talked to an attorney -- but I don't know that. For me, it seems like what was presented here, the hard stop is that the lot you purchased, 8A, refers back to the plat restrictions -- and Mr. Dutton can say the legalese of it much better than I can, but I'm just wondering how you propose to get past this with your project?

MR. DIRANDO: Because once it's replotted and becomes one (1) parcel, then 2860 becomes the main dwelling of the property -- which now we're not -- the percentage of -- 10% percent of your yardage or whatever that is, we exceed it by a lot.

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MRS. DIRANDO: Also, to reflect off of that, I spoke with Mr. Zimmerman -- the next of kin -- the daughter -- and went down and visited her a couple of days ago. She's willing to release any easements and any restrictions -- the original owners are -- resorting back to the original people -- but she also did state -- and I don't know because, like I said, we're new -- that some of these restrictions don't apply anymore from way back in the day when Richard Zimmerman was alive -- and so I don't know. That would fall, you know, in the paperwork that you guys have -- or someone else who's been in the --

MR. DIRANDO: You know, we heard -- we're not sure if it's true or not -- but we heard that after 21 years from the date of the easements that were put into place -- that after 21 years, they revert back to nothing. Whether that's true or not, I don't know.

MRS. DIRANDO: Yeah, and as far as the restrictions go, she said Mr. Zimmerman had done away with a majority of the restrictions. I don't know. That's from word of mouth from the daughter. I talked to her a couple of days ago, and she's willing to sign off on whatever -- allowing us to go ahead and replat these.

MR. DIRANDO: Originally, this ravine was all exposed. It's just -- right now, it's exposed here. All of this is exposed right now. You can actually see it. It's underground here, and they put catch basins in up here. We haven't never had any issues. So, eventually, what we would like to do is get rid of the bridge idea we were talking about, and add two (2) more culverts -- cleanup culverts -- over in this area and (INDICATING) make it all grass land and make it beautiful. I mean, it's very expensive. It's very expensive. We've had -- already quotes, and it's not cheap; but we're trying to make that neighborhood look nice, and we're trying to keep our property up -- like all of you keep your property up. I think that neighborhood is a beautiful neighborhood. So we're not trying to do any junk, you know -- we're not trying to junk up the neighborhood. We're trying to make it really nice for everybody; and I believe, by doing this here, this will actually improve everybody's property values at the same time.

MEMBER COMMENTS:

MR. RECH: Okay -- member questions, comments? No -- anybody?

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

MR. RECH: I guess I have a question for Mr. Dutton, then -- referring to the agreement to modify the plat restrictions. The one paragraph that Kellie read said -- "The agreement to terminate plat restrictions does not apply to the unsigned Lot 10A of this petition and the unsold Lots 8A, 11 and 12. The restrictions and amendments continue to apply to Lots 8A, 10A, 11 and 12."

In my mind, that's kind of the hitch and maybe I'm totally wrong, but how can they move forward if this is in place?

SOLICITOR DUTTON: Your analysis is correct. This is an unusual situation because these are plat restrictions. These are not deed restrictions. And deed restrictions can easily be waived by two (2) people -- neighboring property owners -- three (3) people in a cul-de-sac or whatever; but with a plat restriction, you need everyone who is part of this plat, to waive a plat restriction.

The purported Amendment that was recorded on November 30 of '79 --

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MS. BORDNER: August 31, 2009 is the Amendment.

SOLICITOR DUTTON: Which one? I'm reading at the top.

MS. BORDNER: The original restrictions were recorded on November 30, 1979.

SOLICITOR DUTTON: Oh, these are the original restrictions? (INDICATING)

MS. BORDNER: Yes, sir.

SOLICITOR DUTTON: Okay. Then the attempt to modify specifically did not apply to four (4) lots -- Lot 8A, which I'm told is the lot subject to this application -- 10A, 11 and 12. Why they didn't is irrelevant. And you would certainly have to have the owners of 8A, 10A, 11 and 12, at a minimum, agree to an updated modification to those plat restrictions. So as things stand, the owners of Lot 8A, 10A, 11 and 12, are still governed by the restrictions. And as I understand it, those original plat restrictions did not contemplate a replat where a primary residence first exists on one parcel and then, attach onto another parcel so an ancillary building or a secondary building, such as a garage or whatever -- could be built. Each parcel would have to have a residence constructed first. Then, if there was sufficient room, setback, so forth -- and if it didn't interfere with the stream or the easement -- you could then build what you're considering. So I agree -- this is an impediment, and the Applicant, who owns 8A, would start by getting the consent of these other three (3).

Now with respect to the easement, this is either a recorded easement or it's not a recorded easement. If it's a recorded easement, it runs with the land; and you would have to honor -- if it has a stream that traverses your property and feeds into another stream -- what's called lower riparian rights or upper riparian rights -- you can't just disregard it. If it's a stream that is solely on your property and feeds into a lake that is exclusively on your property, you can do whatever you want. You can take a bulldozer and fill it in; but for example, if I own the property south of you, and the Mayor owns the property north of you, and that stream affects our property, you do not have the right -- if it's a recorded easement -- to just fill it in or divert it or whatever.

You have to go to Trumbull County Soil and Water Conservation. You probably have to go to the EPA. You have to get the consent of the owner of upper riparian rights and lower riparian rights. So that stream does serve as an impediment.

MRS. DIRANDO: That would be the Corp of Engineers.

SOLICITOR DUTTON: Yes.

MRS. DIRANDO: We had them out.

SOLICITOR DUTTON: Okay.

MRS. DIRANDO: They're in the middle of putting the report together, and they don't see a problem with it, and they're probably going to grant 165 feet of it --

MR. DIRANDO: 170.

MRS. DIRANDO: -- or 170, give or take.

SOLICITOR DUTTON: You mean they are allowing you to fill it in?

MRS. DIRANDO: Uh, yes.

SOLICITOR DUTTON: So it doesn't have any upper riparian rights?

MRS. DIRANDO: No.

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SOLICITOR DUTTON: Lower riparian rights?

MRS. DIRANDO: No.

SOLICITOR DUTTON: Well, if what you're saying is accurate, that solves that issue.

MS. BORDNER: The U.S. Army Corp of Engineers would issue a permit to them, correct?

SOLICITOR DUTTON: Yes.

MS. BORDNER: And they would have to present all their plans for a culvert and putting their fill around it and grass, and all that they're going to do; and then the U.S. Army Corp of Engineers would have to examine it for determination of --

SOLICITOR DUTTON: Right. And they're concerned about flooding and contamination; but you still have the problem that this lot that you own, as I understand the plat restrictions, requires that it only be developed by putting a principal residence on Lot 8A, and then, if space is available, put an ancillary building -- or, alternatively, you need to get the other property owners to waive those plat restrictions.

MR. DIRANDO: And do we know -- how do we get a hold of who owns other properties? Do we have --

SOLICITOR DUTTON: Hire an attorney. Do a title search, and they'll come up with that. You would have to convince the other property owners to waive because you are, specifically, excluded. Why you're excluded -- there must have been a reason. Maybe somebody wanted a buffer to prevent development or something.

MR. DIRANDO: Is there anybody here that owns any of these lots that he's speaking of?

SOLICITOR DUTTON: The lots are 10A, 11 and 12.

(WHEREAS, THOSE IN ATTENDANCE BEGAN SPEAKING OVER EACH OTHER
AND ALL AT THE SAME TIME, WITH NO SPEAKER IDENTIFICATION.
PROCEEDINGS WERE AS FOLLOWS):

COURT REPORTER: We cannot have everybody speaking.

MR. RECH: Yeah, I know -- all right.

COURT REPORTER: I'm not getting any of this.

SOLICITOR DUTTON: One (1) person speak at a time.

MR. RECH: All right. I'm not against you guys, here, but this is pretty clear cut in my mind. You know, where I live, I have a garage across the street from me, and I have a bridge that goes over a creek, so I see the same thing you're talking about every day. I'm thinking, Mr. Dutton, that, yes, they need to get an attorney to work through this.

SOLICITOR DUTTON: Yes that would help. You can also go to a title company. I don't know -- did you do any title work on this?

MRS. DIRANDO: We hired a Realtor.

SOLICITOR DUTTON: Hiring Realtors -- they just sell real estate.

MRS. DIRANDO: Here we are -- finding out a lot, after the fact.

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SOLICITOR DUTTON: You can go on the County map online and look at this plat, and they'll have the number -- and then you put the number in. It will show who is the record title owner today. It also says if their taxes are up to date. And it's not the original -- it's whoever owns it now.

MRS. DIRANDO: Right -- the Auditor's site. Can I ask a question. Does anybody here object to this before --

COURT REPORTER: Wait.

MR. RECH: Before we even go there, okay, in my mind, we have to continue this because you need to find these answers out -- before I even go to public comments. There's really no point until you do your due diligence to figure out if any of the plat neighbors -- I'm assuming you're all neighbors -- if any of these people here, especially those who own these other three (3) lots object or will waive. You may talk to them after the meeting, and then you have a starting point. Otherwise, do what Mr. Dutton said and go do the title searches and everything else.

We're not here to take a hand vote or anything like that of who's for and who's against it. That's a totally separate issue.

MRS. DIRANDO: Well, what would you need?

MS. BORDNER: If I could interject for just one second.

MR. RECH: Sure.

MS. BORDNER: The only other thing that I would want to offer -- and the reason why you may want to call for public comments is that the residents here have way more information than I do; and it's my understanding that, within the original restrictions, in order to waive any specified restriction, I believe that it was -- I can't remember the number --

FROM THE FLOOR: -- 60.

MS. BORDNER: -- 60 percent of all property owners that are in the subdivision plat, that have to waive it. So, it's not just the four (4) restricted parcel owners.

SOLICITOR DUTTON: But you start with them. If there's pushback from them there's no light at the end of the tunnel.

MS. BORDNER: I suppose that's correct -- but like I said, the original restrictions indicate 60 percent of the property owners to waive.

SOLICITOR DUTTON: You need a lawyer who does real estate, where he or she would have access to a title company. And if you do get the consent -- whatever the requisite consent is -- then that has to be a properly prepared supplemental Amendment that is recorded with the County.

And then once that's recorded, these restrictions will no longer be applicable. Then you come back here with your proposal -- and, presumably, the Corp of Engineers will have resolved your stream issue by then as well.

MRS. DIRANDO: Yeah, I think they have resolved that issue. My issue is putting another \$10,000 into it. I mean, if you guys are already all dead set against it, why let me waste \$10,000 dollars?

SOLICITOR DUTTON: That's not a question to direct to this Commission. That's a question that -- your lawyer should send a letter to the other property owners to see if they have any objections or would be willing to waive.

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MRS. DIRANDO: Well, why waste that money if not need be -- if that's what they're saying.

SOLICITOR DUTTON: Because this is the conundrum you find yourself in. This Commission cannot give you the relief that you're seeking tonight.

MR. DIRANDO: Okay, we understand that. Is there any other lot owners here? I know you guys said -- we'll talk afterwards and find out who else owns --

MS. BORDNER: The other thing that I can offer is that if you go on the Auditor's website and if you punch in or checkmark the "lots" option in the map -- in the upper corners of the parcel -- and some are in the bottom corner of the parcel -- it indicates what the lot number is. I want to tell you that if my recollection is accurate, that Charles Marsh is the owner of Lot 10A.

MR. DIRANDO: Could you write these down for us?

MS. BORDNER: I would be very happy to. I can start with those three (3) and give you the lot numbers by going on the Auditor's Office and looking those up for you and seeing what they are.

MR. DIRANDO: Okay, we appreciate it.

MR. RECH: Okay, any other questions from Commission members -- thoughts?

MAYOR HILL: I'm in concurrence that they have to find out about these restrictions first -- because we don't enforce deed restrictions -- but those plat restrictions have to be corrected before we can even take action, correct?

MR. RECH: Correct. That is what I understand.

SOLICITOR DUTTON: And it's unusual for developments to have these kinds of restrictions that were waived for certain parcels and maintained for others. You don't see that very much anymore.

MS. BORDNER: It's my understanding that the ones that they were waived on -- and again, I'm sure the residents who are here can answer this way better for you under public comments; but, it's my understanding that the parcels where the restrictions were waived, were ones whereon they had already met all the restriction requirements. For example, there was a single-family dwelling built and then whatever else that was built was within the restrictions and those were followed. And so, because they had already met all of those requirements, restrictions were waived. There was nothing left to restrict. This is my understanding; but again, I'm sure that the residents here could explain it better.

MR. DIRANDO: Hey, can I ask -- does anybody have any questions for us that we can try to answer?

FROM THE FLOOR: I have a question for the Commission.

MR. RECH: Okay, you'll get a turn in a minute.

FROM THE FLOOR: It addresses his --

COURT REPORTER: Chairman, I just don't want people speaking from the floor.

MR. RECH: We need a legal record so we're going to have Dirandos sit down, then I'll have you come up. Then anybody else that wants to come up -- can -- okay? Thank you.

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PUBLIC COMMENTS:

MR. RECH: Okay, sir, you're the first one to raise your hand. Step up to the mic and state your name and address, please.

MR. JOHNSON: George Johnson, 2841 Silver Fox. In reference to the stream they're speaking about, is it defined as a stream -- or is it defined as a stormwater runoff?

MR. DIRANDO: A ravine.

MR. JOHNSON: Kellie and I have spoken before. I've now tracked this waterway all through the Recorder's Office -- found the original attorney that set up the entire subdivision -- still practices law over in Warren.

So, that is a stormwater runoff. If you actually follow the property lines on the back side of where the power lines are at, it all T's onto my property -- comes straight across. You guys are down flow from us. It goes right across Charles Marsh's property, across the road, and then goes into the culvert, and then down onto you guys' property.

You guys haven't witnessed hard rain yet. When that rain comes, that whole section -- from the "T" in my back yard -- floods my yard, floods Charles Marsh's yard, and then gets blocked up over by Dirandos house. Before any of this is addressed with the plat and all -- or anything else -- that is the biggest problem that we've had; and I think I've brought it up with Kellie before, just trying to find out what to do because that does affect everybody downstream from my property. Whatever choice they make, to do with the property, the plat -- combining it -- it's going to affect everybody.

MS. BORDNER: And you're right, George, it has been a conundrum for you. I think it still is.

MR. JOHNSON: Yes.

MS. BORDNER: I can only offer -- if I understand it right -- it's basically an empty ditch until such time that the water comes, and it really fills up. Then according to the Dirandos wetland expert that came out -- that's when he indicated it becomes a stream. The water in the stream flows through that drainage easement they have that runs across their property. From which direction, I don't know.

FROM THE FLOOR: (INAUDIBLE)

MR. JOHNSON: It's pretty much caused by the flooding in our area. What takes place is -- everybody's property on our side of the road slopes down. There's a "T" where all the property -- the Corp of Engineers, when they actually developed the subdivision put -- it's almost like a semi-ditch that runs down the backside of the property lines; and then it dumps into a storm drain all the way from Phil Eubank's house, all the way to mine; and then I think it's up by Larry Biggs' house, coming towards my house.

Everything runs off Pritchard-Ohl town and then comes across the power lines, dumps into that one (1) spot -- floods the whole yard, comes across to Charlie Marsh's -- which he's right there -- right next to the bridge. So that's not a stream. I don't know -- just because they saw fish in there and frogs and everything else.

MRS. DIRANDO: They're calling it a ditch.

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MR. JOHNSON: It's actually written as an easement. When you go in the Trumbull Recorder's Office, it's actually drawn in green -- and I think that is yours to maintain. So, at some point in time, that has to be addressed before we even get to your --

MRS. DIRANDO: That's why we're going to alleviate that for you guys.

MR. JOHNSON: It's not going to alleviate anything, plus (INAUDIBLE) --

(WHEREAS, PEOPLE WERE SPEAKING AT THE SAME TIME. TESTIMONY WAS
INAUDIBLE, AND PROCEEDINGS WERE AS FOLLOWS):

MR. JOHNSON: -- back, before that even gets to you, is wrong.

MRS. DIRANDO: We're fixing it on our end.

MR. JOHNSON: When a flood starts, that's when it comes to you guys.

MR. RECH: Thank you, sir -- anybody else like to speak this evening?

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

MR. RECH: Okay, so do we need a formal motion to continue this?

SOLICITOR DUTTON: Yes.

MR. RECH: Okay, very good.

SOLICITOR DUTTON: You should continue it until another date. Ask them how much time they want.

MR. RECH: Right. Any rough idea how long you want to continue? We meet monthly. You want --

MRS. DIRANDO: That would be up to the other owners.

SOLICITOR DUTTON: You're the Applicant. How long do you want this continued?

MRS. DIRANDO: Thirty (30) days.

SOLICITOR DUTTON: Thirty (30) days?

MS. BORDNER: Please let me just say this. If it's going to be thirty (30) days, it has to be resubmitted back to the Planning and Zoning Office by October 24th to make the November meeting. So that doesn't really give them thirty (30) days.

MR. DIRANDO: Then let's do sixty (60) days.

SOLICITOR DUTTON: Okay.

MR. RECH: All right. So, at this point in time then, is there a motion to continue the proposed replat for Pleasant Valley, the Dirando properties, at 2860 Pleasant Valley and Parcel Number 45-903847, for 60 days?

MAYOR HILL: I'll make that motion.

MR. RECH: Is there a second?

MR. ROOK: Second.

MR. RECH: Any other comments?

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

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MR. RECH: Roll call on that, please?

MS. BORDNER: Yes, sir -- Arno Hill?

MAYOR HILL: Yes.

MS. BORDNER: Tim Rech?

MR. RECH: Yes.

MS. BORDNER: Don Reider?

MR. REIDER: Yes.

MS. BORDNER: Richard Rook?

MR. ROOK: Yes.

MS. BORDNER: Bob Shaffer?

MR. SHAFFER: Yes.

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

MR. RECH: All right, thank you -- then we are continued on that matter.

ADJOURNMENT:

MR. RECH: Do we have a motion to adjourn?

MR. SHAFFER: I'll make the motion.

MR. ROOK: Second.

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

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, we're adjourned. Thank you, everybody.

(WHEREAS THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE
PLANNING COMMISSION, IN THE ABOVE CAPTIONED MATTER, CONCLUDED
AT 7:05 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner
Planning and Zoning Administrator

Tim Rech, Chairperson