

**MONTVILLE TOWNSHIP  
ZONING COMMISSION MEETING  
May 26, 2010**

**PRESENT**

John Vujevich, Chairperson  
Alan Piatak, Vice Chairperson  
Mary Pawlowski  
Pat Ryan  
Dave Wetzel  
Ron Potter, Alternate  
Elayne Siegfried, Alternate

**ALSO PRESENT**

J. Emrick, Zoning Inspector  
B. Schwehm, Zoning Secretary

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**HANDOUTS:** Chapter 540, Draft from 5/12/10 ZC Meeting & Related Changes  
Draft of Section 730.9  
Directional Sign Text  
Draft of Section 410.8 I. and related paperwork  
Proposed Section 410.8 L. 9.  
June Calendar

**AGENDA:**

1. Approval of Minutes – April 28, 2010
2. Text Review/Discussion: Chapter 540, Regulations of Wireless  
Telecommunications Facilities & Related  
Amendments  
Conditional Renewal Re-Write  
Directional Sign Regulations  
Section 410.8 I.  
Wind Turbine Regulations – Section 410.8 L. 9.
3. Zoning Updates

The May 26, 2010 meeting of the Montville Township Zoning Commission was called to order at 7:08 p.m. by Chairperson Mr. John Vujevich.

ROLL CALL: Ms. Mary Pawlowski – here; Mr. Alan Piatak – here; Mr. Dave Wetzel – here; Ms. Pat Ryan – here; Mr. John Vujevich – here.

Commission Chairperson Vujevich asked, “Has the meeting been properly advertised and the necessary contiguous property owners notified?”

Zoning Inspector Emrick responded, “Yes.”

Commission Chairperson Vujevich said, “Anyone in attendance should sign in if they have not already done so. Anyone who wishes to speak should state their name and address for the record. The meeting is taped for transcription purposes. The official minutes of the meeting are the typed transcripts.”

**1. Approval of Minutes****April 28, 2010**

**MOTION:** Commission Member Piatak moved to approve the April 28, 2010 meeting minutes as written.

**SECOND:** Commission Member Wetzel

**ROLL CALL:** Ms. Pat Ryan – abstain; Ms. Mary Pawlowski – aye; Mr. Dave Wetzel – aye; Mr. Alan Piatak – aye; Mr. John Vujevich – aye.

**2. Text Review/Discussion:****Chapter 540, Regulations of Wireless Telecommunications Facilities & Related Amendments**

The Zoning Commission (ZC) reviewed the draft of Chapter 540 and made additional changes as detailed below.

**Section 540.5 L.** – *antennas* was changed to *antennae*

**Section 540.5 P.** – Zoning Inspector Emrick verified that the bond referenced in this section was similar to the bond accepted for commercial development. Would the amount of the bond be the cost of the tower or the cost to remove the tower? Would the bond be held for perpetuity?

Commission Chairperson Vujevich and Alternate Commission Member Siegfried said the amount of the bond would cover the cost of removal and the text implied that the bond would be held until the tower was no longer in use or became obsolete. Alternate Commission Member Siegfried referred to the last sentence of the item, “*Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.*”

Commission Chairperson Vujevich said that he knew of similar bond requirements imposed by municipalities on big box stores. In the event the store closed and the building remained unoccupied for a specified period of time, the building would have to be taken down.

Zoning Inspector Emrick said that a performance bond would have to be accepted by the Trustees before a zoning certificate could be issued; however, the proposed text did not specify a timeframe for holding the bond.

For clarification, Zoning Inspector Emrick said that the Township set the amount of the bond based on the applicant’s projected costs to remove the tower and the bond would be held by the Township as long as the tower was in existence.

Commission Member Pawlowski said the cost to remove the structure would increase over time and the bond would need to be increased periodically to reflect the actual removal cost.

Commission Member Wetzel said that the insurance company would underwrite the projected cost and would ensure that the bond amount was sufficient to cover the costs associated with removing the tower.

Commission Chairperson Vujevich said that communication towers were conditionally permitted, and the text included provisions that required the conditional use to be reviewed periodically. The cost to remove the tower could be reviewed and updated with each conditional renewal. Zoning Inspector Emrick agreed.

Commission Chairperson Vujevich asked if anyone knew how the cost of the bond was calculated.

Commission Member Piatak said that it was based on the cost of doing the work – 1 or 2 percent of the total value.

Commission Chairperson Vujevich wondered what influence the bond would have on the equity of a business. Alternate Commission Member Siegfried said that the business would only be allowed to assume a given amount of risk.

Commission Member Pawlowski thought the text should clearly state that the bond would be held indefinitely and that the amount was to reflect the current costs to remove the structure. She was concerned that a company would underestimate the cost of removal, and the insurance company would not object.

Alternate Commission Member Siegfried wondered if there was an independent expert who could provide the appropriate value to cover removal costs.

Commission Member Ryan proposed changing the wording to require proof of a bond at the initial conditional approval and at every subsequent renewal.

Commission Member Pawlowski said that a bond could be obtained and proof provided to the Township, but the bond could then be cancelled.

Alternate Commission Member Siegfried did not believe that the bond could be cancelled without the Township being notified; however, Zoning Inspector Emrick said that the bond could be withdrawn without the Township knowing.

Commission Member Wetzel said if someone with a mortgage tried to drop their home insurance whoever held the mortgage would be notified.

Commission Member Pawlowski asked what the consequences would be if a bond was not secured.

Zoning Inspector Emrick said that a zoning certificate would not be approved unless the bond was presented, and it was approved and accepted by the Trustees. If a renewed bond was not presented for subsequent conditional renewals, Zoning Inspector Emrick would recommend that the renewal not be granted and the tower would have to be taken down.

Commission Chairperson Vujevich and Commission Member Ryan said that it would be important to ensure that the timeframe covered by the initial performance bond extended through the next renewal date in case the renewal was not granted and the tower had to be removed.

Commission Chairperson Vujevich suggested that the text include guidelines to determine the appropriate amount of the bond. Alternate Commission Member Siegfried did not believe that was necessary.

Commission Chairperson Vujevich recommended that an independent estimate be obtained when determining the amount. Alternate Commission Member Siegfried agreed. Zoning Inspector Emrick said that she would most likely seek an estimate from the applicant and verify the amount with an independent estimate.

Alternate Commission Member Siegfried suggested changing *Upon* to *Prior* at the beginning of Section 570.5 P. Zoning Inspector Emrick did not believe it was right to require the applicant to obtain a performance bond before the conditional was approved. Zoning Inspector Emrick explained that the performance bond required for new development was presented to and approved by the Trustees after a development plan was approved and before a zoning certificate was issued. If the bond was required in advance of approval, she wondered what would happen if the conditional was not approved.

Alternate Commission Member Siegfried said that the bond would be returned. Bid bonds were often required to be submitted with bid packages. Without a bid bond, the bid was not considered. Alternate Commission Member Siegfried said that upon bid acceptance the bid bond became a performance bond.

Zoning Inspector Emrick said that the applicant would incur a fee for the bond even though their plan may not be approved.

Commission Member Piatak and Alternate Commission Member Siegfried thought only a paperwork fee was paid in advance – not the total cost of the bond.

Commission Chairperson Vujevich said that requiring a bid bond would be inconsistent with current practices.

Alternate Commission Member Siegfried asked if it was inconsistent to require the performance bond prior to subsequent conditional renewals.

Commission Member Ryan suggested that proof of a performance bond be submitted with the conditional application.

Commission Chairperson Vujevich said that the performance bond currently required for new development may no longer be necessary when the conditional was renewed. The landscaping and parking would already be installed.

Zoning Inspector Emrick referred to Section 720.11, Financial Guarantee. The ZC agreed that Section 720.11 would need to be amended to include the provisions for the performance bond for telecommunication towers.

Commission Member Ryan asked if the wind energy conversion system regulations included provisions for a bond. Commission Chairperson Vujevich said, “no.” Commission Member Wetzel said that if the wind turbine was not in service for six months, it had to be removed.

Commission Chairperson Vujevich asked if the bond was still considered a performance bond or if another term should be used to describe the bond that would be provided with the initial application and prior to each renewal. Alternate Commission Member Siegfried said that using the term performance bond was appropriate.

Alternate Commission Member Siegfried asked if the Commission agreed that the bond would be required before conditional approval. Commission Chairperson Vujevich thought that would be inconsistent with current practices. He thought the bond should be required after initial approval (prior to the zoning certificate being issued), and the bond should be required with the application for subsequent renewals.

Based on the above discussion, the ZC changed Sections 570.5 P. and Section 720.11 as follows:

**Section 540.5 P.**

*Upon conditional approval **and prior to each subsequent approval**, the applicant shall post a performance bond in the amount set by the Township for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section 540.7. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.*

**Section 720.11**

The following was added at the end of the item/paragraph.

*For telecommunication performance bond see Section 540.5 P.*

Commission Member Ryan asked if Section 720.12 B. should also be amended. Commission Chairperson Vujevich and Commission Member Piatak said that Section 720.12 B. and C. applied to development plan expiration and changes were not necessary.

**Section 540.7 B.** – Reference was changed from *(See 540.8 D-Performance Bond Approval)* to *(See 540.5 P. Performance Bond Approval)*.

The ZC continued their review of text items related to Chapter 540, Regulations of Wireless Telecommunications Facilities.

**Chapter 210, Definitions**

Definition #37, Communication Device, and Definition #38, Communication Device Antenna, were reviewed.

Commission Chairperson Vujevich asked if cell phone communication/transmission was included in the above definitions.

Commission Member Pawlowski referred to Definition #193, TCF; and Definition #194, Telecommunications, which specifically listed *Personal Wireless Service*. Definitions #211, #212, and #213 defined Wireless Telecommunications Antenna, Facility, and Tower respectively.

Since there was a difference between wireless and other communication devices and antennae, the ZC agreed that all of the above referenced definitions were relevant and the terms should remain as written.

For better clarification, Commission Member Pawlowski suggested adding *pole* to Definition #38. She did not think it was clear that the antenna(e) could be located on a

pole. Since the item stated, *external to or attached to the exterior of any building* (which could mean a pole), the item was not changed.

Commission Member Pawlowski said that the Montville Township Police Department was locating an antenna on the existing telecommunications pole at the Township. Zoning Inspector Emrick said that she needed to see the plan in order to confirm that it was not higher than allowed.

**Definition #44, *Dish Antenna*, was deleted from Chapter 210, Definitions.** Zoning Inspector Emrick said that a small dish antenna was basically a television antenna and a permit was not required.

## **Chapter 410, Single-Family Residential Districts**

### **Section 410.8 C., Schedule 410.8**

The regulations for telecommunication towers did not specifically state if the towers were or were not allowed in the front yard, and Schedule 410.8 did not include a listing for wireless telecommunication facilities.

Commission Member Wetzel said that Schedule 410.8 showed that communication device antennae with a diameter greater than 39 inches were allowed in the side and rear yard.

Commission Chairperson Vujevich asked how the front yard would be determined for a telecommunications tower. Commission Member Piatak asked if no structures were located on the lot, was everything in front of the midpoint of the parcel considered the front yard and everything behind the midpoint considered the rear yard.

Commission Member Ryan said that the front yard was considered the area from the right-of-way to the front yard setback; the remainder was side and rear yard.

Commission Member Wetzel said he liked the method proposed by Commission Member Piatak – the area in front of the median would be considered the front yard.

Zoning Inspector Emrick said that using that method to determine front and rear yards could be complicated.

Commission Chairperson Vujevich asked if some towers were located on back lots.

Zoning Inspector Emrick said that back lots were not permitted in the Township. Alternate Commission Member Siegfried added that some towers may appear to be on a back lot because the access drives were long.

The ZC did not want telecommunication towers or facilities to be located in the front yard. The ZC was concerned that the minimum front yard setback may not be sufficient for a telecommunication tower. However, the proposed regulations required the tower to be set back a minimum distance that was equal to the maximum height of the tower (including antennae) plus twenty-five (25) feet. The setback from existing residences was twice the height of the tower.

Zoning Inspector Emrick mentioned that ham radio operators were considered part of homeland security.

Section 410.3 D., Schedule of Uses, showed that wireless telecommunication towers and/or facilities were conditionally permitted in residential districts. The ZC agreed to add #9 to Schedule 410.8 showing *wireless telecommunication tower and/or facility* was permitted in the side and rear yard with a minimum setback of the height of the tower (from natural grade to tallest point of structure including antennae) plus twenty-five feet as shown below:

9. <i>Wireless telecommunication tower and/or facility</i>	<i>Side, Rear</i>	<i>NA</i>	<i>(d)</i>	<i>(d)</i>
Notes to Schedule 410.8: (a) Shall comply with side yard setback for principal buildings set forth in Schedule 410.5. (b) May project a maximum of 10 ft. into required yard. (c) Not permitted in cluster home areas. (Effective June 22, 2006) (d) <i>Highest point of the TCF plus 25 ft.</i> NA = Not applicable				

**Section 410.8 K., Fences, Walls and Hedges**

Since telecommunication towers and/or facilities would only be permitted in the side and rear yards, the ZC did not change Section 410.8 K. 2., but Section 410.8 3. a) was changed as follows:

- a) *Fences and walls located in the side or rear yards shall not exceed a height of six (6) feet, except as otherwise permitted in Section 540.5 F.*

**Section 430.3 I. 1.**

Section was changed to show that wireless telecommunication towers and/or facilities that were not classified as public utilities were permitted in each of the non-residential zoning districts. Item would appear as follows:

<b>I. Other Uses</b>				
1. Wireless telecommunication tower and/or facility not classified as a public utility	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

**Section 450.4, Schedule 450.4 and Section 450.5, Schedule 450.5**

*Wireless telecommunication tower and/or facility* would reference *Chapter 540* rather than *Section 805.136*.

**Conditional Renewal Re-Write**

**Section 730.9**

Commission Chairperson Vujevich asked what role a homeowners association (HOA) played in the conditional renewal process.

Zoning Inspector Emrick said that once the homeowners association assumed responsibility from the developer, the conditional changed and the applicant for the conditional renewal became the HOA. The majority of the subdivisions already built in the Township were conditionally approved.

Zoning Inspector Emrick said that as the text was currently written, the Board of Zoning Appeals (BZA) could not eliminate the required conditional renewals. However, in the past, the text included provisions to allow the BZA to eliminate the need to renew the conditional.

Commission Member Ryan said that the zoning text previously listed special conditions that could be added as appropriate – one of which was to drop the required renewal.

Zoning Inspector Emrick said that the Zoning Resolution currently contained specific conditions for each conditional use. She could understand requiring the renewal process as long as the property was being developed; however, once the HOA took over, it did not seem necessary to renew the conditional.

Commission Chairperson Vujevich said there may be other instances where a renewal of the conditional use may not be necessary as long as nothing had changed.

Commission Member Pawlowski thought that the routine renewals may be time-consuming for the BZA.

Alternate Commission Member Siegfried said it would be important to establish specific criteria to determine which conditionals had to be renewed and which did not.

Zoning Inspector Emrick said that the conditional for Blake Elementary was an example of a conditional that may not need to be reviewed and renewed every three years. If needed, Section 730.10 B. addressed a breach of the conditional requirements.

Zoning Inspector Emrick said that Medina Township did not have any conditional uses. Commission Chairperson Vujevich said that he supported that quite some time ago.

Alternate Commission Member Siegfried suggested eliminating the need for a review/renewal after the HOA took control.

Zoning Secretary Schwehm said that Section 730.9 was titled *Mandatory Review of Conditional Use Operations* and Section 730.10 was titled *Terms and Duration of Conditional Zoning Certificate*.

As currently written, Section 730.9 said that the *conditional use shall be reviewed not less than two years, but not more than three years, from the date of issuance to determine if the use has been and is being operated in compliance with the conditions of the conditional zoning certificate*. The text seemed to indicate that once the conditional zoning certificate was issued, the use was reviewed in two to three years for compliance. As long as there was not a breach of the conditions, the conditional zoning certificate remained in effect. As stated in Section 730.10 B, if there was a breach of *any condition, safeguard or requirement it may invalidate the conditional zoning certificate* that had been granted

Commission Chairperson Vujevich, Commission Member Piatak and Alternate Commission Member Siegfried agreed that one review was necessary and the

conditional zoning certificate continued as long as there was not a breach of the conditions.

Zoning Inspector Emrick and Commission Member Pawlowski did not agree that only one review was required. Commission Member Pawlowski added that if the ZC was having difficulty interpreting the text, it seemed necessary to clarify the intent.

Commission Member Wetzel asked how a violation would be identified if the conditional was not reviewed and renewed on a routine basis.

Zoning Inspector Emrick said someone may complain or violations may be noticed by the zoning staff. If violations were identified, the conditional zoning certificate would become invalid and the violation would be processed. Included in the process would be the opportunity for the violation to be resolved.

Commission Member Wetzel asked if a two or three year timeframe was sufficient to determine that the HOA was doing what needed to be done.

Zoning Inspector Emrick said that the HOA was a separate entity over which the Township did not have control.

Commission Member Wetzel said that the common areas would need to be maintained by the HOA; Zoning Inspector Emrick agreed.

Commission Member Wetzel said that enforcement would switch from the BZA to the Zoning Inspector if the conditional zoning certificate was issued and only reviewed once.

Alternate Commission Member Siegfried asked if many issues or problems were identified when conditionals were reviewed by the BZA.

Zoning Inspector Emrick said that sometimes things were brought to the attention of the BZA – especially with the developer. As long as the developer was in the picture, it gave the residents of a subdivision an opportunity to bring up issues that the developer had ignored or had gone unnoticed.

Alternate Commission Member Siegfried said that the renewal process gave the residents a voice, and it may be appropriate to review the conditional *every* two years, but not more than *every* three years. She said if the ZC wanted the review to occur every two to three years, *every* needed to be added to the text. In addition, the BZA could be given the flexibility to eliminate regularly scheduled reviews.

Commission Member Wetzel said the development was turned over to the HOA when only 70 percent of the lots had been built upon. He was concerned that if a review was no longer required after the development was turned over to the HOA, it may not provide an opportunity to monitor compliance with the requirements.

Commission Member Ryan said that the lots would already be platted at that point in time. The conditional related more to the overall development. She did not see 30 percent of the lots being vacant as a problem because the builder would come into the Zoning Office when the lot was built upon. She thought a total of two successful conditional reviews after project completion or the HOA was formed would be appropriate to ensure continued compliance.

Commission Chairperson Vujevich said that the conditional use could also be related to a commercial use such as Drug Mart. Zoning Inspector Emrick and Commission Member Ryan added that the conditional use could also be a safety services center, school, church, etc.

Alternate Commission Member Siegfried suggested requiring that the development be completed and turned over to the HOA or the project be completed.

Although it was not a conditional use, Commission Member Piatak asked if Buehler's development would be considered completed. Commission Member Wetzel said, "no." Commission Member Pawlowski said the project could be coming back for reviews until it was totally built out which could be twenty or thirty years. Commission Member Wetzel said that it may be desirable to maintain an ongoing degree of control over the project/development.

Commission Member Piatak said that in order to change the development plan, the developer would have to come back before the ZC.

Zoning Inspector Emrick said that before a building was occupied in a development such as Buehler's, the prospective tenant applied for an occupancy certificate from the Township. At that time the use was verified, the number of required parking spaces was calculated, and signage was discussed.

Commission Chairperson Vujevich suggested adding the following to Section 730.9:

Upon completion of the approved development plan and two successful renewals of the conditional zoning certificate, they shall no longer be subject to a mandatory review.

Commission Member Ryan asked if that meant every lot in the subdivision had to have a house built upon it.

Zoning Inspector Emrick said that using the term *approved development plan* only meant that the lots had to be platted.

Commission Member Wetzel asked what happened if the project included significant areas of green space and/or common ground.

Commission Chairperson Vujevich said that the Board of Zoning Appeals had the ability to prescribe additional conditions when deemed appropriate or necessary.

Zoning Inspector Emrick referred to Section 730.10 B. which provided for recourse in the event that the conditional use was not following the requirements of their conditional.

Section 730.9, *Mandatory Review of Conditional Use Operations*, was changed as follows:

*Whenever the operation of the approved conditional use is regulated either by conditions set forth in this Chapter or by conditions, stipulations, safeguards and limitations prescribed by the Board of Zoning Appeals, (Effective June 22, 2006) the conditional zoning certificate issued by the Zoning Inspector shall indicate that the operation of the conditional use shall be reviewed not less than every two years, but not more than every*

*three years, from the date of issuance to determine if the use has been and is being operated in compliance with the conditions of the conditional zoning certificate. Upon completion of the approved development plan and two successful renewals of the conditional zoning certificate, they shall no longer be subject to a mandatory review. The Board of Zoning Appeals may prescribe additional conditions on the continued operation of the conditional use when it determines such conditions are necessary to address documented impacts on adjoining properties as evidenced during the review.*

### **Directional Sign Regulations**

Chippewa Stone wanted to put a directional sign at the corner of State Route 3 and Chippewa Road, but the exact location of the sign was not known.

Zoning Secretary Schwehm said that the regulations for a directional sign did not require that the sign be located on the same property as the business. Several directional signs could be located in one area.

Commission Member Wetzel said that he thought the primary concern was that the signs were located out of the right-of-way.

The Drees sign that directed people down Montville Drive was considered a ground sign. The Township required documentation from the property owner verifying permission was granted to place the sign in that location. Alternate Commission Member Siegfried thought that was an effective way to handle the situation.

Commission Member Wetzel thought a sign listing several businesses would be better than several small directional signs. Alternate Commission Member Siegfried said that cost would prohibit putting up a large sign with several businesses listed on it.

Zoning Inspector Emrick said that more information would be obtained regarding the proposed directional sign for Chippewa Stone.

### **Section 410.8 I.**

Zoning Inspector Emrick explained that the zoning text required a maximum of three-inch spacing between the vertical rails of a fence surrounding a pool or spa. It was brought to the attention of the Zoning Office that the standard spacing of rails on most aluminum fencing was 3 13/16 inches. Most fencing regulations for pools allowed a maximum of four inches between vertical rails. Zoning Inspector Emrick suggested changing the requirement of the zoning text to a maximum of four-inch spacing.

Commission Chairperson Vujevich asked if chain link fence could be used around a pool. The information handed out to the ZC from the Ohio Administrative Code included specifications for chain link fencing around pools. The information also indicated that the fence should not be more than two inches off of the ground.

The ZC agreed to change the spacing requirements to four inches as suggested and shown below:

Section 410.8 I. 1. e.

- e) *Fences shall be constructed so as to have no openings, holes, or gaps larger than ~~three (3)~~ four (4) inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure.*

Section 410.8 I. 2. b.

- b) *Such fence shall not be less than four (4) feet in height and shall be constructed so as to have no openings, holes, or gaps larger than ~~three (3)~~ four (4) inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure.*

### **Wind Turbine Regulations Section 410.8 L. 9.**

Zoning Inspector Emrick said that the Township would be purchasing a decibel meter.

Alternate Commission Member Siegfried asked why the decibel level was changed from twenty (20) decibels above the ambient level to ten (10) decibels above the ambient level. Commission Member Wetzel said that Mr. Ginesi, Engineered Process Systems, Ltd., thought twenty (20) decibels would allow too much noise. Commission Member Ryan said that Mr. Ginesi explained that the level increased exponentially (similar to earthquakes).

Zoning Inspector Emrick wondered if a definition for *ambient decibel level* was necessary.

Commission Member Wetzel said that the ambient level would be the decibel level measured at the property line.

Zoning Secretary Schwehm said that the Zoning Office researched decibel levels and discovered that the levels varied widely.

Commission Member Wetzel said that the levels would vary at different locations and under different situations. With the wind turbine turned off, the decibel level could be measured at several locations along the lot line and an average determined. The readings could be repeated with the wind turbine on and an average calculated.

Zoning Inspector Emrick said that she talked with Mr. Aaron Funk from Trillium Creek. Due to the cost and the economy, Trillium Creek decided that they would not move forward with installing a wind turbine.

Zoning Inspector Emrick said that before the ZC scheduled their public hearing for the proposed text amendments, the Zoning Office would prepare a draft reflecting the most recent changes for the ZC to review.

### 3. Zoning Updates

Zoning Inspector Emrick said that the stone/granite business in the Montville Business Center was doing well. When replacing a countertop, they donated the countertop that was removed to Habitat for Humanity. She added that the Habitat for Humanity store was doing great and had made enough money to build two and one-half homes.

Zoning Inspector Emrick met with Ms. Pat Rakoci from Pride One earlier in the week. All of the buildings that had been completed in the Trails at Montville were occupied. The construction drive on State Route 3 was blocked with a barricade.

Due to demand, Pride One may apply for a variance to reduce the space between three of the buildings by 15 percent. People preferred the larger units. Only two-car garages would be built in the future since occupants preferred two-car garages. If Pride One decided to make the changes, they would also come back to the ZC to amend their development plan. No additional units would be added to the project – the units would just be larger. The open space calculations would change but not significantly.

Zoning Inspector Emrick said a bond for the paving and landscaping would be required.

Commission Member Pawlowski asked if the project was geared toward senior citizens as originally proposed. Zoning Inspector Emrick thought the majority of the residents did not have children; but there were some children living in the units and the school bus came through the development.

Zoning Inspector Emrick said the project looked very nice. The landscaping was very nice, and the mail area was nicely done. Commission Chairperson Vujevich agreed.

Zoning Inspector Emrick noticed that a landscaper was using areas inside and outside Montville Commons to store equipment and materials. She explained to the landscaper that the use was not permitted in that zoning district. The landscaper may submit a text amendment application to request that the use be included in the zoning district.

Zoning Inspector Emrick said that Mr. Karam mentioned that he had a restaurant interested in the end cap at Montville Commons.

Zoning Inspector Emrick said that an occupancy permit was issued for Delux restaurant to be located in Montville Commons, but construction had not started, and the Zoning Office had not heard anything from the gentleman who received the occupancy permit.

Zoning Inspector Emrick said that the Zoning Office received a complaint regarding radio towers. Not much can be done about the towers because they are considered part of homeland security.

Zoning Inspector Emrick said that she had not heard from Drug Mart and would call Mr. David Howe for an update on the status of the project.

Zoning Inspector Emrick said that 24/7 Fitness expressed interest in locating in the Buehler's complex. The use was conditionally permitted, but she had not heard back from them.

The Zoning Commission discussed their meeting schedules for the next couple of months and a timeline for setting the public hearing for the text amendments. The ZC agreed to

meet on June 9<sup>th</sup>. The June 23<sup>rd</sup> meeting would be cancelled. A special meeting would be scheduled for June 30<sup>th</sup>. A public hearing would be scheduled for August for the text amendments. The ZC did not plan to meet during the month of July.

**MOTION:** Commission Member Piatak moved to adjourn the meeting.

**SECOND:** Commission Member Wetzel

A collective oral vote was taken with all Zoning Commission members in favor of adjourning. The May 26, 2010 Zoning Commission meeting was adjourned at 9:34 p.m.

Respectfully submitted,

Bonnie Schwehm

Signature \_\_\_\_\_  
Chairperson

Date \_\_\_\_\_