

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, OCTOBER 25, 2022: 7:00 PM

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Vice-Chairperson Christina Littleton at 7:00 PM.

BZC members present: Vice-Chairperson Christina Littleton, Jerry Valentine, Angela Brown, 1st alternate member Jenny Sloas (seated), 2nd alternate member Keith Goshia (seated).

Also present: Zoning Inspector Laura Borso.

Not present: Chairperson Steve Flaherty, BZC member Darcy Kaplan.

Ms. Littleton reviewed the BZC's adopted rules, including public comment rules.

PROOF OF PUBLICATION

Ms. Knapp stated that this hearing was advertised in the October 12, 2022 Delaware Gazette.

AGENDA ITEM: APPROVAL OF MINUTES

Ms. Littleton made a motion to approve the minutes from the 10/11/22 BZC meeting, as presented. Mr. Valentine seconded the motion.

Vote: Littleton, yes; Valentine, yes; Brown, abstain; Sloas, abstain; Goshia, yes.

Motion carried, minutes were approved.

AGENDA ITEM: BZC 22-003 REVISED COMPREHENSIVE LAND USE PLAN & MAP

Ms. Littleton said the BZC 22-003 is the revised Berlin Township Comprehensive Land Use Plan (CLUP) and map, initiated by the BZC on September 27, 2022. There was no further discussion.

Public Comment

There were no comments from the public.

**RESOLUTION 2022.10.25.A: RECOMMEND FOR APPROVAL
REVISED COMPREHENSIVE LAND USE PLAN & MAP**

Ms. Littleton made a motion to recommend approval of BZC 22-003, the revised CLUP and map, to the trustees. Ms. Brown seconded the motion.

Vote: Littleton, yes; Brown, yes; Goshia, abstain; Valentine, yes; Sloas, abstain. Motion carried.

AGENDA ITEM: BZC 22-002 APN GROUP, LLC.

Request to rezone two parcels of 48± acres at 3710 Piatt Road from Farm Residential to R-3 Planned Residential District for an 86-home single family community to be known as Peachblow Crossing.

Tony Eyerman, with Eyerman Planning & Associates, 1907 River Road, Delaware, Ohio 43015, presented the application and answered question from the BZC.

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50 Mr. Eyerman said he is representing the APN Group, who owns both parcels. He is
51 requesting approval of a planned residential district with an R-3 overlay. The property is
52 approximately 49 acres, and proposed are single-family homes with 80' by 135' lots that
53 are 10,800 SF minimum in size.

54
55 Mr. Eyerman said the Delaware County Regional Planning Commission (DCRPC) had
56 pointed out a drafting error, and the application now indicates that all lots conform to the
57 10,800 SF minimum.

58
59 Mr. Eyerman said there would be around 19 acres of open space, which is around 40%,
60 but just 20% is required. He said that about a year ago, he met with some of the
61 neighbors at Gracepoint Church, and he said he would work to resolve the existing
62 flooding in that area. He has spent 30 years in the county and he has seen flooding along
63 Piatt Road for quite some time.

64
65 Mr. Eyerman said the county has worked with the township to deal with some of the
66 stormwater issues, and he would try to do the same with the residents. A couple of the
67 basins in the open space were increased by 50% more than required to help lessen the
68 impact of rain and surface water on the neighboring property to the east.

69
70 Mr. Eyerman said he tried to push the homes as far to the west as possible so they were as
71 far away from the neighbors as possible. He said there is about 100 yards between the
72 backs of the existing homes and the proposed homes.

73 Mr. Eyerman said three divergences have been requested. The first is for the density; the
74 density is about 1.75 units per acre gross density, and about 2 units per acre net density.
75 The reasons include a City of Delaware service area that goes to the rail to the west, and
76 there is a Hindu Temple to the north. The applicant is providing substantial open space
77 that will provide extra recreational area as well.

78
79 Mr. Eyerman said the second divergence is for a 30' setback measured from the public
80 right-of-way, rather than measured from the centerline. He said there have been some
81 applications that have been approved that allow for cars to be parked in front of the
82 garage without extending over the sidewalk.

83
84 Mr. Eyerman said the third request is for the reduction of the size of the lots from 10,890
85 SF to 10, 800 SF. This was to increase the open space and there will be 135' deep lots.
86 This works just as well as 145' deep lots except it allows for additional open space, and
87 space for stormwater management.

88
89 Mr. Eyerman said his engineer has been working with the county engineer on the traffic
90 study submitted with the application, which supported the southern access of the
91 community down to Peachblow Road. The county engineer had requested that it be
92 shortened and the public access to Peachblow be removed, which has been done in the
93 new plan. While the right-in/right-out works, there is no way to control that.

94
95 Mr. Eyerman said another issue that came up from the DCRPC meeting was the stub to
96 the temple site. One neighboring property owner had discussions regarding extending the
97 road north to that site or not, as the temple is making plans to expand. That is being
98 discussed with the county engineer's office as well.

99

Commission Consideration

100
101
102 Ms. Brown said she understands the divergence requested for the frontage. However, she
103 has an issue with the reduction in the lot size. She said what is being called green space is
104 not green space; they are basins. Regarding the 40% green space claim, when there are

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105 small yards proposed, the BZC wants to ensure adequate usable green space. That does
106 not mean four huge basins that are taking up the majority of the green space.

107

108 Ms. Brown said as a parent, she would not want her children out there. The 10.48 acres
109 at the southwest side are up against the railroad tracks and the utilities. The main road is
110 right behind the homes, and nobody would want children playing right there by the
111 entrance on the 5 acre area, of which 75-80% is being taken up by the basins.

112

113 Ms. Brown said flooding is a terrible issue along Piatt Road and she loves that the
114 applicant is trying to help with that issue, but there needs to be usable green space added
115 in. There is no park, and just a small playground. There will be a mix of ages in this
116 development, but there is nowhere to walk. She asked if there were sidewalks, although
117 she could see nothing between sidewalks and landscaping outside of the front
118 landscaping.

119

120 Ms. Brown said that technically it meets the R-3 districts, but nothing else. She said the
121 applicant needs to go back to the drawing board with this application, as it has no usable
122 green space and other issues.

123

124 Ms. Brown said she did not think a single access point for 86 homes was enough, and she
125 asked whether the road is two lanes. Mr. Eyerman said his engineer is working with the
126 county engineer on that, and he had brought that issue up to the county engineer. The
127 right-in/right-out to the south was the second access, and the county engineer told his
128 engineer a single access was not a problem. He said the road would probably be 3 lanes
129 at the turn-in to Piatt Road, although he is not sure how far that would extend.

130

131 Ms. Brown said Piatt Road is narrow at just 25' wide, and is just a 2 lane road. The
132 distance between the lots to where the entrance will be is 101.59' per her measurements.

133

134 Ms. Brown said the basins do provide some buffering to the neighbors. However, basin
135 #2 is a good example of what the BZC usually approves, without having a mound with
136 trees. The area indicated as open space would need a mound and trees, but there is
137 nothing there right now. Basin #4 is very slim and it would be difficult to provide
138 buffering between the existing residents and the proposed development. She would
139 expect to see more buffering in that area, and perhaps some houses in that area being
140 removed. There needs to be more substantial mounding and landscaping.

141

142 Ms. Brown said regarding the entrance landscaping, 25' trees felt too large and she asked
143 whether they would be 5' wide at maturity. Mr. Eyerman said those are the shrubs. Ms.
144 Brown said the evergreen and deciduous hedge will be 6-8' high at maturity. The
145 flowering trees towards the front will be 20-25' high. Mr. Eyerman said those will be
146 crabapple trees.

147

148 Ms. Brown asked that some flowering tree and evergreens be placed by the basins as
149 well. There is a lot of work needed to get the true green space needed for this community
150 as well as the buffering. She was also not fond of the road being a cut-through for the
151 temple.

152

153 Ms. Sloas said she appreciates the landscaping, but the height of the trees at 25' may
154 obstruct the view of traffic when they become mature. She was concerned about them
155 becoming a hazard for traffic pulling out to Piatt Road, which is 55 MPH.

156

157 Ms. Sloas said she is not impressed by the entrance feature sign, and she asked whether it
158 was just a 6' by 6' post. She said it should be more substantial, and it appears as though
159 somebody took clip art and pasted it onto the rendering. She said more through of an

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160 effort needs to be put into the signage, especially since it is for the only entrance. She
161 noted that all lighting on the sign needs to be downlighting.

162
163 Ms. Sloas asked if, regarding the open space, there is a natural tree line along the homes
164 along Piatt Road, and whether it would be maintained. Mr. Eyerman said there is not a
165 tree line but there are some trees, and he did not intend to disturb those trees. Ms. Sloas
166 said more buffering needs to be added between the existing homes and this development.

167
168 Ms. Sloas said she is not against an R-3 in this area, and it is indicated in the CLUP.
169 However, the open space and community feel has not been provided. There needs to be
170 usable open space, and the density is an issue with her as well.

171
172 Ms. Littleton said she agrees with all of the comments so far. She said DCPRC had noted
173 that if 9 homes were removed, the 1.85 units/net developable acre maximum density
174 requirement would be meant.

175
176 Ms. Littleton said regarding the .4 acre open space in the center with the tot lot, that may
177 include the walking path as well and may be just ¼ acre size. The number of homes
178 could be reduced and the central space increased to make it more usable and more
179 community oriented than just a tot lot and mailboxes.

180
181 Ms. Littleton asked how the larger basins were intended to help the neighboring
182 properties. Mr. Eyerman said basins 2 and 4 were primarily intended as buffers to
183 provide distance between the existing homes and this development's homes without
184 grading their yards. This was an attempt to get as much surface water off of the existing
185 property owners' homes as possible.

186
187 Mr. Eyerman said the application indicated that the sidewalks on one side of the
188 development would be wider in order to keep people on them versus in the backyards of
189 the existing homes. The basins were more visually oriented rather than accessible. The
190 two basins at the northwest and southwest corner are designed more for recreational uses.
191 He has found that many kids have battery-powered boats and like to use them on ponds.
192 Also, adults like to fish, and the ponds are frequently used for ice hockey.

193
194 Mr. Eyerman said the existing homes on Piatt Road have septic systems in the back, and
195 diverting water helps with the longevity and function of those septic systems.

196
197 Ms. Littleton said regarding the 7' sidewalks on one side, she appreciates the applicant's
198 intention to allow for more uses other than just walking, but she thinks it would be better
199 to have 5' sidewalks on both sides and to add a walking path somewhere in the center.
200 There may be an opportunity to connect Ross Estates through this development and to
201 Piatt Road and possibly to Cheshire Road.

202
203 Mr. Eyerman said the trail that goes through Ross Estates connects to the trail that
204 connects to Evan Farms, which connects down, and that runs along Piatt Road. Bringing
205 it back around the other way would not result as a trail well. When the Ross property
206 was developed, it was intended that a trail be built on the south side of Peachblow Road
207 that dead ends at the railroad, and is a hazard. It is nearly impossible to get a crossing
208 over Orange Road.

209
210 Ms. Littleton said this is the perfect opportunity to turn the kids from the tracks to the
211 north and back to Piatt Road, where they would be on the intended trail. Mr. Eyerman
212 said the temple to the north does not have an easement to cross the trail extension, so it is
213 another dead-end trail. Ms. Littleton noted that the township is working on how to make
214 all of the path connections, so people can use them safely.

215

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216 Ms. Littleton said she would like to see a multi-use trail here. The residents who met
217 with the applicant at Gracepoint were under the impression that there would be walking
218 paths that were accessible to them. Simply having a wider sidewalk is not inviting to the
219 community. Mr. Eyerman said he would look into it.

220

221 Ms. Littleton asked whether there was an additional landscaping planned. Mr. Eyerman
222 said there would be mounding and planting along the perimeter and he would bring that
223 plan in next time.

224

225 Ms. Littleton asked whether there would be street trees. Mr. Eyerman said “no,” but that
226 there would be a tree or two required in each front yard. Ms. Littleton asked how likely it
227 was that the proposed pump station would be built. Mr. Eyerman said that it was very
228 likely, as the sanitary line sits in front of Gracepoint. The county engineer suggested it.
229 Everything will be pumped down Peachblow Road and then to Gracepoint. Ms. Littleton
230 asked whether there were any concerns about lot 85. Mr. Eyerman said there were not,
231 and it is underground.

232

233 Ms. Littleton asked whether the building would have a different exterior than the homes
234 in this area. Mr. Eyerman said it would match the architectural standards of this
235 development.

236

237 Ms. Littleton asked whether there were any other resident requests that were incorporated
238 other than the flooding. Mr. Eyerman said that, as well as pulling the homes as far back
239 as possible. Regarding the trails, he heard “no trails in our backyard.” If he has to pull
240 them back to the railroad tracks, that’s what he will have to do.

241

242 Ms. Littleton asked whether fencing along the entry road off Piatt Road was proposed.
243 Mr. Eyerman said that was not part of the plan. Ms. Littleton asked whether there would
244 be mounds at the entrance. Mr. Eyerman said it would be relatively flat for line-of-sight
245 issues. Ms. Littleton said the residents may want that space more defined.

246

247 Ms. Littleton said the application indicates that the applicant participated in informal
248 meetings with the township. She asked whether that was after the original application or
249 before and what feedback was received. Mr. Eyerman said it was before, and as an
250 informal meeting, nothing was binding. With the proximity to the City of Delaware and
251 the railroad tracks, and with the relatively recent rezonings of Berlin Meadows and Evans
252 Farm, as well as the John Wicks development on Hollenback Road at 6 units per acre,
253 there were conversations regarding slightly higher density, and also correcting some of
254 the regional stormwater issues. Nothing was binding, he reiterated.

255

256 Ms. Littleton said that sometimes an exception is made for a slightly higher density, but
257 that is typically if additional community amenities are provided such as usable green
258 space.

259

260 Ms. Littleton said she has comments about the way the application was presented.
261 Throughout, it stated certain things were permitted uses in each section and she asked
262 whether that meant that there are no divergences for that. Mr. Eyerman said there were
263 not within the permitted uses. There are only three other divergences requested.

264

265 Ms. Littleton said the traffic study was declined. Mr. Eyerman said it was declined
266 because the county engineers wanted to remove the southern access. He is working with
267 them regarding what needs to be done to amend the traffic study. Ms. Littleton said it
268 appears there will be a left-turn lane along Piatt Road. Mr. Eyerman said that was likely.

269

270 Mr. Eyerman said he guessed there will be one lane in and two lanes out off of Piatt
271 Road. Ms. Littleton said that the houses along Piatt Road are very close to the road.

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272 Ms. Littleton asked whether there was any feedback from the fire department. Mr.
273 Eyerman said he accidentally did not include it, but would for the next time.
274
275 Mr. Valentine said the BZC sometimes allows additional density if community amenities
276 are provided and he sees none. He said DCPRC stated that the 10,890 SF minimum lot
277 size has been in place for 20 years, so to reduce that by 90 SF makes no sense to him. He
278 would like to see both divergences removed from the plan. He does not have a problem
279 with the divergence for setbacks.
280
281 Mr. Valentine asked how many side load garages there would be. Mr. Eyerman said the
282 text indicated 25% sideload garages. He said he would like to see more buffering in-
283 between the existing homes and the proposed homes.
284
285 Ms. Goshia asked whether the existing homes have basements. A meeting attendee said
286 they did. Mr. Goshia asked about whether they get water in their basements. Some
287 attendees said they did.
288
289 Mr. Goshia said he does not like small clustered homes next to larger lot homes, as that
290 devalues existing properties. He also has a problem with the density requested. He said
291 the proposed basins are not usable green space for recreation.
292
293 Mr. Goshia said he would like to see two exits out of the neighborhood, as he has seen
294 the devastation of wildfires and not being able to get out of a neighborhood quickly. Mr.
295 Eyerman said he did not agree with the removal of the southern access.
296
297 Mr. Goshia had questions about the drainage. Mr. Eyerman said it was all surface
298 drainage. Mr. Goshia asked about the topography of the property. Mr. Eyerman said it
299 was relatively flat.
300
301 Mr. Goshia asked whether there would be any street lights. Mr. Eyerman said there
302 would not be.
303
304 Mr. Goshia reiterated that he had an issue with the density of the project.

Public Comment

308 Bill Shepherd, 3770 Piatt Road, said that the existing residents tying into the sewer
309 system was discussed at the Gracepoint meeting and he asked whether that was still
310 available. Mr. Eyerman said that was correct. Mr. Shepherd said he did not recall
311 anybody stating they did not want a walking trail back there.
312
313 Linda Grubb, 3873 Piatt Road, said she has lived there for 31 years. She asked whether
314 there was an entrance from Peachblow Road. Mr. Eyerman said that would be an
315 emergency vehicle access only. The only public access would be off of Piatt Road. Ms.
316 Grubb said Piatt Road is already so busy that would be an issue. It is a residential
317 neighborhood, but its being treated like it's a free-for-all.
318
319 Ms. Grubb said without a southern access to share some of the load, it will be an even
320 worse nightmare than it currently is. She would like to see more green space, but she
321 would rather see a reduction in the number of homes rather than the size of the basins
322 being decreased.
323
324 Ms. Grubb asked where the water would go when the ponds overflow. Mr. Eyerman said
325 it would go to the north. There is a drainage ditch that is located immediately north of the
326 property on the temple property, that goes to the east. It will not cut through any of the
327 existing property owners' properties.

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328 Ms. Grubb said a drainage system was installed that was very expensive, and some of the
329 Piatt Road residents are still paying \$1,000 or more per year for at least 8 years. They do
330 not want any of the overflow from the proposed development coming through here.

331

332 Mr. Eyerman said the drainage addressed mostly the front and the issues there. They are
333 attempting to address water from the tracks towards the existing homes, and water
334 draining from the backyard.

335

336 Ms. Grubb said currently, the pond overflow from the subdivision at the corner of
337 Peachblow and Piatt Roads comes across Peachblow Road and it definitely affects that
338 corner. Mr. Eyerman said that is Oldfield Estates. Ms. Grubb said she agrees with all of
339 the comments made so far. She said retention ponds are not green space. There are too
340 many houses with not enough usable green space.

341

342 Pat Brown, 2111 Peachblow Road, asked whether there would be any vegetation for the
343 emergency access. He will be looking at that from his front porch. Mr. Eyerman said he
344 would bring the landscaping plan for the entire perimeter to the next meeting. Mr.
345 Brown said he could show Mr. Eyerman some of the drainage field tiles that currently
346 exist.

347

348 Mr. Shepherd said the applicant had stated that he would take the overflow water up to
349 the ditch to the north. That drainage area begins where the road is at 3710, and goes
350 south. He asked how the water would go north. Mr. Eyerman said there could be
351 underground drainage, and the water would be pumped if necessary.

352

353 Ms. Grubb asked whether only the west side of Piatt Road would have access to the
354 sewer. Mr. Eyerman said it would be just for the adjacent homes at this time.

355

356 Mr. Eyerman requested that the application be tabled so he can address the issues that
357 have been raised.

358

359 Mr. Eyerman one of the plans he came up with included ball fields, and at one time the
360 township identified this is a township park but did not pursue that. He asked whether the
361 township would be interested in something like that but with smaller lots. The township
362 would get open space while the developer would get smaller lots.

363

364 Mr. Eyerman said he can take that back to the county engineer's office to see whether
365 there is a middle ground to make that work. He asked whether the BZC would entertain
366 smaller lots with more open space, and the larger lots would be kept on the east side. The
367 smaller lots would be up against the railroad tracks.

368

369 Mr. Eyerman said there is a very simple mathematical development picture. The
370 developer sells the lot for X dollars, but sale value of the lot does not go up substantially
371 when the lot width goes up. It's the building pad that is really what they are after. If you
372 can get a 45' or 50' building pad, which is the rule of thumb for most, it does not matter
373 if it is a 60' or 80' wide lot. It's the pad they are after.

374

375 Mr. Eyerman said it should have some really usable green space with ballfields or soccer
376 fields, or at least an area one could fly a kite on.

377

378 Ms. Littleton said she would certainly entertain that, depending on the amenities, and
379 whether the ballfields would truly stay accessible to the public. There have been some
380 fields in the area that were intended to be public, but they ended up becoming private.

381 Mr. Eyerman said the Orange Township trustees rejected the parks in Evans Farm when
382 they offered to dedicate the parks to them, so all parks were intentionally decided at the
383 time to be private parks.

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384 Mr. Eyerman said he would prefer to save time and submit an application with a final
385 plan, rather than renegotiating several times. He asked whether “public” meant the fields
386 would be owned and maintained by the township, because homeowners associations
387 don’t like to pay to maintain fields that are destroyed by others.

388
389 Mr. Eyerman said the issue of trails is similar as well. When asphalt trails in a
390 subdivision are used for the public and break up in 10 years, who will pay to replace the
391 asphalt? The residents of that neighborhood will not want to as they are rarely used by
392 those residents. He is aware the Berlin Township trustees are considering a public park
393 system.

394
395 Ms. Littleton said the township is developing a parks master plan at this time. Ms. Sloas
396 asked whether it was correct that the township was not prepared to assume responsibility
397 for parks at this time. Ms. Littleton said that was correct.

398
399 Ms. Sloas asked where people would park, with less street frontage. Mr. Eyerman said it
400 would depend on whether it is a public or private park. He noted that streets in Delaware
401 County are designed for parking on at least one side. He said he could put together an
402 informal plan that he could run by the BZC.

403
404 Ms. Brown said she could picture something in the middle area perhaps, surrounded by
405 homes. Mr. Eyerman said there could be an issue of safety if it abuts a public road for
406 situations such as balls rolling into the streets, etc. He said he could design something
407 that would achieve the desired community feel. Ms. Brown liked the concept of having
408 larger homes on the east side

409
410 Mr. Eyerman requested that the hearing be tabled. Ms. Borso noted that revisions are due
411 at least 2 weeks prior to the hearing.

412 **AGENDA ITEM: OTHER BUSINESS**

413 Ms. Borso said she has taken a job with the State of Ohio. She has enjoyed her time here,
414 and her last day will be Thursday.

415
416 Ms. Borso noted that the property in the village of Cheshire has been forwarded to the
417 county prosecutor’s office for further action. There is also an issue at the Sherman
418 property at 3 B’s and K Road. Everything that can be seen, including the bus, is now
419 behind the setback and is out of her control now.

420
421 A resident asked whether it was legal to burn outside 24 hours a day, seven days a week.
422 He was advised to contact the township fire department.

423
424 Ms. Littleton said the November 8, 2022 BZC meeting has been canceled. The next BZC
425 meeting would be on Tuesday, November 22, 2022 at 7:00 PM at the Berlin Township
426 Hall, when the final development plan for Berlin Bluffs will be heard.

427
428 There was no further business to come before the BZC. Motion to adjourn. Meeting
429 adjourned.

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Steve Flaherty, Chairperson

Christina Littleton, Vice-Chairperson

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Jerry Valentine, member

Darcy Kaplan, member

Angela Brown, member

Jenny Sloas, 1st alternate member

Keith Goshia, 2nd alternate member

Attest: _____
Lisa F. Knapp, Berlin Township Zoning Clerk