

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO 43015

REGULAR MEETING

TUESDAY, JANUARY 11, 2022: 7:00 PM

CALL TO ORDER

The meeting was held at Berlin Township Hall, 3271 Cheshire Road, and was called to order by Chairperson Steve Flaherty 7:00 PM.

BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Christina Littleton, Jerry Valentine, Darcy Kaplan, Angela Brown.
Also present: 1st BZC alternate BZC member Jenny Sloas, Zoning Inspector David Loveless, Zoning Secretary Cathy Rippel, Zoning Clerk Lisa Knapp.
Not present: 2nd BZC alternate Sherry Graham.

PROOF OF PUBLICATION

Ms. Knapp stated that the meeting was advertised in the Delaware Gazette at the end of 2021 as a regular meeting.

AGENDA ITEM: APPROVAL OF MINUTES

Mr. Valentine made a motion to approve the minutes from the 12/14/21 BZC meeting, as presented. Mr. Flaherty seconded the motion.

Vote: Valentine, yes; Flaherty, abstain; Littleton, yes; Kaplan, yes; Brown, abstain.

Motion carried, minutes were approved.

AGENDA ITEM: 2022 BZC GOALS & OBJECTIVES

There was a brief discussion about the last meeting. Mr. Valentine said it was an interesting conversation with the developer regarding apartments. They were told that as long as they did not request any divergences, they would be fine. It would be a nice entry into Berlin Township and the development appears to be upscale. Mr. Loveless noted it was at North Old State and 37 and it abuts a lake.

Ms. Littleton said the sewer would come from Sunbury and be placed under the bridge. They would follow the setbacks. There was a lot of space indicated between the development and the existing residences.

Mr. Loveless said minor divergences were discussed. The size of their current layout is around 3 SF less than the minimum. Also, the height of their buildings needed a 6” divergence, but that has been eliminated. Ms. Littleton said she thought that was permitted in the cloud if it was for architectural purposes.

Mr. Loveless said vinyl has not been desirable for many years. However, it has been upgraded over the years. Also, concrete board is not mentioned. Those items should not be deterrents.

Mr. Flaherty said that the intent was to set the high-level parameters, and the smaller details can be discussed later. He noted that the cloud is its own entity.

Ms. Rippel said she discussed the issue with Berkshire Township, and they have had to tweak their language several times. They charge a \$5,000 fee plus \$200 per acre for their cloud hearings. She said they do not have an architectural board, but they do send it to Scott Sanders, director of the Delaware County Regional Planning Commission, for review at a cost of \$300.

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53 Ms. Rippel said Orange Township has a moratorium currently on their cloud. The rates
54 have not been set for the cloud yet. Mr. Flaherty said that would be the responsibility of
55 the trustees.

56
57 Mr. Loveless said Berkshire Township recommended hiring an outside attorney.

58
59 Ms. Rippel said she was told that a JEDD could be placed on apartment complexes. Mr.
60 Flaherty said that could be done in commercial residential such as apartments. They
61 typically generate few children and provide more taxes to the township. She noted that
62 she was anxious about the lack of details in place for the cloud applications, given the
63 recent interest. Mr. Loveless said trustee Ron Bullard told him to handle it like a normal
64 application.

65
66 Mr. Flaherty said the township set up the business park and the two overlays as a tool and
67 an option for developers. Somebody may come in and decide not to use the tool because
68 they do not conform. Developers cannot be penalized for not using the tool.

69
70 Ms. Littleton said the storage company came in for an informal recently, and they are
71 located adjacent to the cloud. She asked whether their requirements should match the
72 cloud or transition to it. Mr. Flaherty said his opinion is, if the cloud did not exist, what
73 would their requirements be? Those should not change just because there is a cloud
74 nearby. He noted that the trustees have approve a contract with Mr. Sanders recently to
75 review the CLUP updates, edits and changes.

76
77 Mr. Flaherty said he is trying to get the prosecutor's office in to help guide the BZC with
78 the cloud process.

79 Mr. Flaherty said Mr. Sanders should be able to review the zoning resolution revisions
80 while he's working on the CLUP updates.

81
82 Mr. Loveless said the buffer zone language is wrong. Residents are allowed to remove
83 dead wood, but also anything smaller than 2 inches. What ends up happening is that they
84 remove anything smaller than 2" and there is never any new growth, and the buffer
85 eventually dies out.

86
87 Mr. Flaherty said a letter was received from a Ms. Steele regarding the 5G cell towers
88 and how the zoning resolution does not seem to address them. He suggested checking
89 with other entities to see how they handled them. However, the residents may not be
90 happy about not being able to get 5G services. Mr. Valentine was concerned about
91 having no regulations. Mr. Loveless said some of them are disguised as objects such as
92 streetlights.

93
94 Ms. Kaplan said they seek out areas where there are fewer regulations. Mr. Loveless said
95 they seek out distraught properties as well. Ms. Kaplan said she did not understand why
96 the 5Gs are not covered by the current zoning resolution. Mr. Valentine said that was
97 because they are short.

98
99 Mr. Flaherty said there should be buffering between residential properties and a 5G
100 tower. Also, there could be additional concerns about radiation since the towers are
101 closer to the ground and there could be unknown long-term effects. Last, they should be
102 regulated due to aesthetic concerns.

103
104 Mr. Flaherty asked the BZC to think about the unique identity of the business park and
105 the economic development for that area.

106

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107 Ms. RippeI said she met with newly elected trustee Meghan Raehll, and she asked what
108 she would like to see the trustees do this year. She told her she would like to see the
109 cloud procedures defined.
110

111 There was a discussion about developments and home permits. Ms. RippeI said 138
112 permits were issued in 2020. Many developments are selling out.
113

114 Ms. RippeI said the Evans Amendment will be heard on February 8, and the Villages of
115 Cheshire Ridge will be heard on February 22.
116


117 Mr. Flaherty said there was an informal meeting with Evans Farm a few months ago and
118 they are mirroring what they did in Orange Township. They would not change the
119 number of lots, but moving the classifications for the required number of lots, but not
120 changing the number of lots. The density would not be increased. If they built all 40'
121 wide lots, there would be a lot more open space. Ms. Brown said that would be great.
122 Mr. Flaherty said they did this in Orange Township and it is to allow them to adjust to the
123 market.
124

125 Mr. Flaherty said they would also condense the zonings into one single document for
126 increased efficiency.
127


128 After discussion, it was agreed to cancel the January 25, 2022 BZC meeting.
129

130 Mr. Flaherty said he would like to get a camera for the township that can be used for all
131 township meetings.
132

133 There was no further business to come before the BZC. Motion to adjourn and second.
134 Meeting was adjourned.
135
136

137 _____ Steve Flaherty, Chairperson
138 
139 _____ Christina Littleton, Vice-Chairperson
140

141 _____ Jerry Valentine, member
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143 _____ Darcy Kaplan, member
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145 _____ Angela Brown, member
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147 _____ ~~not seated~~
148 _____ Jenny Sloas, 1st alternate member
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150 _____ ~~Absent~~
151 _____ Sherry Graham, 2nd alternate member
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158 Attest: _____
159 Lisa F. Knapp, Berlin Township Zoning Clerk