

**BERLIN TOWNSHIP ZONING COMMISSION (BZC)**

*OF DELAWARE COUNTY, OHIO 43015*

**REGULAR MEETING**

**TUESDAY, MARCH 23, 2021 7:00 PM**

1 This meeting was held virtually.  
2

3 **CALL TO ORDER**  
4

5 The meeting was called to order by Chairperson Steve Flaherty at 7:00 PM.  
6

7 Mr. Flaherty led meeting attendees in the pledge of allegiance.  
8

9 BZC members present: Chairperson Steve Flaherty, Vice-Chairperson Jerry Valentine,  
10 Darcy Kaplan, Martin Johnson, Mike Bardash, 1<sup>st</sup> alternate Christina Littleton, 2<sup>nd</sup>  
11 alternate Angela Brown.  
12

13 Also present: Zoning Inspector David Loveless, Zoning Clerk Lisa Knapp, Zoning  
14 Secretary Cathy Rippel.  
15

16 Mr. Flaherty reviewed the adopted policy of the BZC, and noted that public comments  
17 are limited to three minutes per person. He reviewed the procedures for this hearing. He  
18 noted that public comment can be taken via the zoom link on the township website.

19 **AGENDA ITEM: APPROVAL OF MINUTES**

20 Mr. Flaherty made a motion to approve the minutes from the 3/9/21 BZC meeting. Mr.  
21 Valentine seconded the motion.

22 Vote: Flaherty, yes; Valentine, yes; Kaplan, yes; Bardash, yes, Johnson, yes.

23 Motion carried, minutes were approved.

24 **AGENDA ITEM: 2021 BZC GOALS & OBJECTIVES DISCUSSION**

25 Mr. Flaherty said there is no hearing or applicant tonight, but the BZC established earlier  
26 in the year that they want to be proactive and work on corrections and amendments to the  
27 zoning resolution and other documents, including the Comprehensive Land Use Plan  
28 (CLUP). A list of 2021 action items and goals was created and was shared with the BZC  
29 members.  
30

31 Mr. Flaherty said items have received input and suggestions from Scott Sanders,  
32 executive director of the Delaware County Regional Planning Commission, and Assistant  
33 Delaware County Prosecutor Chris Ballard.  
34

35 Mr. Flaherty said Mr. Sanders will be reviewing some zoning text, and Mr. Ballard is  
36 working on the ambiguities in the language in Section 11 of the zoning resolution.  
37

38 Ms. Kaplan said she researched the language for pond inlets, headwalls and endwalls,  
39 inlets/outlets including language from prior rezoning applications, and she asked  
40 everybody to weigh in on the language. The language included that the face of inlets and  
41 outlets of ponds will be faced with stone and ponds will have fountains.  
42

43 Ms. Kaplan said zoning inspector David Loveless suggested including stamped concrete  
44 as an option, as that may be less costly and require less maintenance, and she agreed. Mr.  
45 Flaherty said the goal of those was to improve the aesthetics in retention/detention ponds.  
46 He said poured or formed concrete should not be an option. Stamped and stained may be  
47 an option, and perhaps a color palette could be provided. Ms. Littleton said some stamps  
48 look better than others. Mr. Flaherty said the BZC could create language in the zoning  
49 resolution and consider the plans as submitted.  
50

51 Fountains in ponds were discussed. Ms. Kaplan said there do not appear to be standards  
52 for fountains. She asked whether the standard should be one fountain per pond. Mr.  
53 Loveless said one per pond should be adequate, given the quality of fountains on the  
54 market these days. Ms. Kaplan was concerned that fountains could be too small for a

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55 larger pond. Mr. Loveless suggested language that the pump needs to process a certain  
56 number of gallons per minute.

57

58 Ms. Kaplan said she also saw language that required fountains to operate 9 months per  
59 year. She has seen many fountains that do not operate all year. Ms. Brown said there are  
60 some concerns about freezing of ponds. She asked whether the county engineer may  
61 have recommendations regarding runoff, how many ponds are needed, etc.

62

63 Mr. Flaherty said perhaps they could check with the Delaware County Bureau of Soil and  
64 Water. He noted that fountains serve to aerate the ponds to help keep algae blooms and  
65 other issues away, and they also serve to look nice. Ms. Littleton suggested checking  
66 with pond companies as well.

67

68 Mr. Johnson asked whether the language in the CLUP or the zoning resolution should be  
69 examined. Mr. Flaherty said it could be both, depending on the topic, and that the two  
70 documents should be consistent with each other, and with the township's mission.

71

72 Ms. Brown said she is still working on her items and should have more information by  
73 the next meeting. She asked what the next step in this process would be after the  
74 document is completed. Mr. Flaherty said some may be passed along to the trustees for  
75 incorporation into the zoning text, while some may be suggestions.

76

77 Ms. Rippel explained the process for changing the CLUP or the zoning resolution. The  
78 process is initiated by the BZC, the language is written, the BZC makes a motion, the  
79 language goes to the DCRPC, then back to the BZC with recommendations from the  
80 DCRPC, the BZC votes, and then it goes to the trustees for final approval. Mr. Flaherty  
81 noted that the trustees can also initiate the process.

82

83 Ms. Littleton asked how to get residents involved in the process, which can be very slow,  
84 and how to keep them updated. Ms. Rippel said information would be posted on the  
85 township website. Ms. Littleton suggested indicating in advance the changes being  
86 considered for a meeting so the residents can provide input. Mr. Flaherty agreed.

87

88 Ms. Littleton asked about doing another survey of residents. Ms. Rippel said the 2019  
89 survey is still on the website. Mr. Flaherty said the township is at the point where those  
90 meetings could begin soon. Mr. Johnson explained the survey, and said it was more  
91 about trying to narrow in on which sections needed to be updated. Mr. Sanders has  
92 mentioned that he could suggest language.

93

94 Mr. Johnson said the intent was to dive into the areas that ultimately came under the  
95 industrial and commercial parks, and then the massive cloud request came in for  
96 consideration.

97

98 Ms. Rippel said at the April 27, 2021 meeting, Metro Development will be here for an  
99 informal discussion regarding Berlin Bluffs and Maeve Meadows. Mr. Flaherty  
100 suggested having a public meeting to discuss the potential changes in May.

101

102 Mr. Johnson asked whether the zoning resolution and the CLUP would be discussed at  
103 the same time. Mr. Flaherty said the priority would be the CLUP updates, and the zoning  
104 text specifics will come out of some of the tasks.

105

106 Mr. Johnson asked whether the May meetings would apply to the CLUP only. Mr.  
107 Flaherty said it would primarily be the CLUP.

108

109 Mr. Valentine said it was discussed at a prior meeting that the new business cloud would  
110 be included in the CLUP, as it did not exist when the original survey was done. Mr.  
111 Flaherty said it is its own category in the zoning resolution and a section in the CLUP.  
112 They will update the map and the plan with the business park.

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113 Mr. Valentine said that applicants tend to play conflicts in the resolution versus the  
114 CLUP against each other, and the business park will definitely impact future zonings. He  
115 wants to make sure that they do match with each other. Ms. Littleton asked if he was  
116 stating that the cloud should be part of the CLUP and the zoning resolution. Mr. Flaherty  
117 said that area is zoned planned commercial district, and it can have this cloud overlay that  
118 is also available for that area applied to it, and its is currently zoned FR-1. The cloud is  
119 not like a PCD overlay where it is applied; it's an option that does not need to be used.

120

121 Mr. Valentine said it would be useful to have Mr. Sanders' help to update the CLUP to  
122 reflect that the cloud is in fact available but it is not required to be used. He would defer  
123 to Mr. Sanders as to how that is incorporated. It does need to be incorporated into the  
124 CLUP with its own section and definition, and it should match the zoning resolution  
125 which will be updated.

126

127 Ms. Littleton asked whether it was correct that the existing zoning does not need to be  
128 changed because of the cloud overlay. Mr. Flaherty said that was correct. The map will  
129 show a hatched area with an indication of the type of overlay, and that it is available as an  
130 option. It can only be applied in that area.

131

132 Ms. Littleton said she was considering whether the zoning of the surrounding areas still  
133 makes sense now that the cloud has been approved. Mr. Sanders had indicated that only  
134 two or three areas would need to be changed. The Dunham Park areas is part of the  
135 overlay, and the Hondros acreage on the north side of Route 36 is not in the cloud. It is  
136 currently FR-1 and the CLUP states it is agricultural and if there is sewer, there will be  
137 1.25 units/acre. She did not know whether that needs to be changed due to the stepdown  
138 that is already built into the cloud. The same is true south of Curve Road is sections 4A  
139 and 4B. There are only a couple of parcels nearby, and there is existing housing already  
140 between the business park and those parcels. She did not think that area needed to be  
141 changed.

142

143 Mr. Flaherty said the overlay cloud was buffered deliberately. However, it is always a  
144 good idea to check to see if those areas need to be buffered. Ms. Littleton asked whether  
145 a meeting should be scheduled to review that. Mr. Flaherty said perhaps that should be  
146 done at the next meeting. Ms. Brown said there may need to be a separate meeting. Mr.  
147 Flaherty said public meetings could be held in June. Mr. Bardash suggested discussing it  
148 first at the next meeting and discussing other items if time allows afterwards. There was  
149 a discussion. Rob Platte from Delaware County will be invited to the next meeting.

150

151 Mr. Flaherty encouraged members to add to the Google doc. After the informal meeting  
152 on April 27<sup>th</sup>, the update can be discussed further. Mr. Flaherty asked Ms. Littleton to  
153 indicate to the public that the CLUP updates and zoning resolution updates will be  
154 discussed at the May meetings, and that public input is welcome and invited.

155

**AGENDA ITEM: OTHER BUSINESS**

156 Zoning Inspector's Report

157 Mr. Loveless said 106 permit applications for single-family homes have been received so  
158 far this year.

159

160 Miscellaneous

161 Mr. Valentine said there is a 65 KW electric plant on South Old State Road, and he said  
162 there was construction occurring there. He asked what was going on. Mr. Loveless said  
163 that they are upgrading their antennae and adding antennae to the side. It will not be any  
164 taller than before.

165

166 Mr. Flaherty said the next BZC meeting will be on April 13, 2021 at 7:00 PM. There are  
167 no zoning applications at that hearing, but the BZC will continue to discuss the changes  
168 to the zoning resolution.

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

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Steve Flaherty, Chairperson

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Jerry Valentine, Vice-Chairperson

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Darcy Kaplan, member

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Mike Bardash, member

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Martin Johnson, member

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Christina Littleton, 1<sup>st</sup> alternate member

\_\_\_\_\_  
Angela Brown, 2nd alternate member

Attest: \_\_\_\_\_  
Lisa F. Knapp, Berlin Township Zoning Clerk