

WESTFIELD TOWNSHIP TRUSTEES

Special Meeting

July 7, 2008

6:00 pm

Chairperson called the meeting to order with all three trustees present.
Assistant Prosecutor, Wm. L. Thorne present.

Primary purpose of this meeting:

- o Scott May variance that was denied by BZA.
- o IRS – abatement of penalty
- o Cell Tower agreement
- o Cloverleaf School site plan and variance

Scott May:

June 30, 2008 the BZA denied the set back from right of way variance for Scott May's pond (see attached documents).

The original zoning permit stated the purpose of the pond was for livestock but the variance stated agricultural/residential. Columbia Gas and the township road maintenance had a problem with the diversion of the water over the gas line, the township ditch and edge of roadway was being eroded. The diversion of the water has been worked out between the gas company, township, county and Mr. May.

Ms. Sims made a motion to grant Scott May and agriculture exemption permit because on the original application the purpose of use was for livestock, Mr. Likley seconded the motion.

Discussion: Mr. Likley – diversion of water an issue. Mr. Kratzer – Mr. May never mentioned to anyone that it was agricultural. Ms. Sims- The lake is in the fenced area in front of the barn and it was mentioned on the original application that it was for livestock.

Roll call: Kratzer, NO; Sims, YES; Likley, YES.

Ms. Sims made a motion to grant Mr. May a refund of the variance fee \$250 and the pond permit fee \$50, seconded by Mr. Likley.

Discussion: Hold the refund until the diversion of the water is addressed and completed.

Mr. Likley amended the above motion to deduct the \$300 from the amount that Mr. May will owe for the ditch enclosure instead of the giving a check for \$300, seconded by Mr. Kratzer. Roll call: Kratzer, YES; Sims, YES; Likley, YES.

Mr. Likley made the statement that the trustees are not second guessing the zoning boards. This was a case where many factors played into the above decision.

IRS

Bill Thorne stated that he also receives the information from IRS just the same as the township. Mr. Thorne's office has responded to the letter stating that the township and Mr. Thorne or his representative would like a face to face meeting with the abatement board. No date has been set.

CELL TOWER

Bill Thorne will clarify some of the issues and will send a letter to Verizon Wireless.

Mr. Likley made a motion to approve the township's proposed contract as presented by the Prosecutor's office with Verizon Wireless with 2 amendments:

- 1) **Add Verizon is leasing space whether or not there is a carrier**
- 2) **If the weather siren is on the tower, at the termination of the lease the tower would be gifted.**

Ms. Sims seconded the motion. Roll call: Likley, aye; Sims, aye; Kratzer, aye.

CLOVERLEAF SCHOOL

Cloverleaf School has a site plan and variance waiting to be heard by the zoning boards. Bill Thorne referred to the Brownfield Doctrine that Cloverleaf should make an attempt to meet the zoning code but not required. Gary needs to review the site plan and see if the parking lot could be moved back to comply with the set back. A waiver could be granted for the front yard set back.

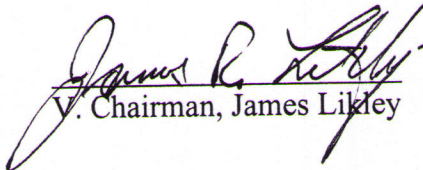
Ms. Sims made a motion to grant a waiver to the variance for the parking lot set back, seconded by Mr. Likley.

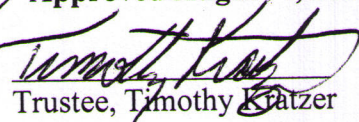
Discussion: Mr. Thorne gave the scenario if the variance is denied then this board could waive the front yard set back under the Brownfield Doctrine. Mr. Likley - zoning commission could opt to review the site plan and Gary should look at the topography to see if the parking lot can be moved back. Mr. Kratzer – the school has always been willing to comply with the zoning code.

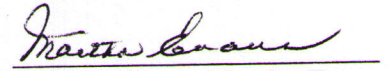
Roll call: Kratzer, NO; Sims, YES; Likley, NO.

The chairperson adjourned the meeting at 7:04 pm.

Approved August 4, 2008


V. Chairman, James Likley


Trustee, Timothy Kratzer


Fiscal Officer, Martha Evans