

**WESTFIELD TOWNSHIP
BOARD OF ZONING COMMISSIONERS
WORK SESSION WITH STEERING COMMITTEE,
PLANNER AND PROS. OFFICE-COMP PLAN UPDATE
2009-2010
JANUARY 4, 2011**

Chair Sturdevant called to order the work session of the Zoning Commission and Steering Committee at 7:37 p.m. Permanent Board members Kemp, Brewer, Miller, Anderson and Sturdevant were in attendance. Alternate Commission member Kathy Zweifel and Greg Brezina was also in attendance. The following Steering Committee members were in attendance: Jack Greenwald, Ron Oiler, Carolyn Sims, Heather Baith, John Miller, Kathleen LeMar, Carol Rumburg, Agnes Porter, Keith Simmerer, Dwayne Kramer, Tom Micklas, Daniel Zuk, Gerald Kalmeyer, Bill Thombs, Frank Galish, Susan Brewer, Sean Hughes, Leslie Prochaska. Other individuals in attendance: Mark Majewski, Bill Thorne, ~~Jerry Kalmeyer~~, Matt Witmer, Karen Fisher, Jim Likley, Gary Harris, Tim Kratzer, S. Forrest Thompson, Stan Scheetz, Larry Bensinger, Denny and Deb Hooper, Wirtie Kratzer.

Chair Sturdevant stated the purpose of this meeting is for the Commission members to explain why and how they came up with the modifications they have proposed to the Comp Plan Update 2009-2010 and for the Steering Committee to explain their decision making process in drafting their version of the Comp Plan Update 2009-2010 and to provide any supporting documentation they used to support their decisions.

Chair Sturdevant continued that there were two major issues the majority of the Commission had some concern with regarding the Comp Plan Update. The first being the proposed land use map showing the area south of Rt. 224 to be light industrial/office and second was the proposed Conservation /Recreational Corridor along the Chippewa Creek. Chair Sturdevant stated she would ask each Commission member to reiterate their thoughts and concerns on these two topics. She added the Commission would go page by page and review the proposed changes made to the Comp Plan Update by the majority of the board.

Anderson: I was concerned with office/industrial and the allowance of nursing homes/senior citizen housing as a permitted use as there was a lot of traffic in that area. He added he did not have any issues with the Conservation/Recreation Corridor.

Jill Kemp: I do not feel there were enough studies done or enough of a reason as to why the area was proposed as light industrial/office. Also, regarding the resident survey that went out, more individuals objected to light industrial/office than other uses so I do not believe the survey supported that decision. Regarding the Conservation/Recreation District; I am not comfortable because individuals could give easements to allow their

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property to be used for public use but they still had to pay taxes on it, or if the land was turned over to the County there would be no property taxes collected at all. I do not feel this should be in the Comp Plan. Another concern is that the Steering Committee recommended this corridor on the south side of the highway with hiking/biking trails and how would it be connected to the north side of the highway? It did not make sense to me.

Heather Sturdevant: I feel there needs to be a change made regarding the use of that specific area. When Mr. Majewski came before the Commission to give a public presentation on the proposed Comp Plan Update, it was asked how and why the area south of Rt. 224 was proposed for light industrial/office use? Mr. Majewski responded there was a lot of discussion by the Committee on this topic but gave no reason as to how or why that decision was reached.

I have concern with industrial because you don't know the tenant mix you will end up with and you could still have light industrial that causes noise and orders. When looking at the resident survey, the bulk of the residents did not want any development but if they had to choose; light industrial/office was not the preferred choice over some of the other options. We need to determine what is best for the community not just for one or two landowners. Office/light industrial may very well be the best decision for that area but I feel there needed to be more supporting documentation.

Regarding the Conservation/Recreation Corridor District, I have concern over individual property rights. I am still concerned that even though individuals may give their consent for the public to use their property as part of this corridor, if someone is hurt and sues, that property owner would still be financially responsible for their own defense. I have been in contact with a gentleman involved in the creation of the Erie Towpath and how it was able to be done without being cumbersome on individual property owners.

The potential of creating such a district appears to be a long, time-consuming process if it even occurs at all. I also am concerned if a property owner does not want to participate. Does that mean the District does not come to fruition? Since this process could take 15-20+ years and who the future trustees would be and of course their actions unknown, I am concerned if this District was in the Comp Plan the Trustees would or could pursue a taking of land.

Sue Brewer: Concerned with area being proposed industrial, as the amount of traffic that could potentially be generated was an unknown. The lack of studies was a cause of concern as well as to what uses could go in if the land was zoned office/industrial. Regarding the Conservation/Recreation Corridor, as I stated before I am concerned about the pressure of an individual not wanting to participate in the corridor and the issues that might bring about. Would like to hear from more of the public than just the same individuals who attend the meetings as to what they think and want.

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Chair Sturdevant stated the Commission would now go page by page to review the proposed changes made by the board. Mr. Sean Hughes stated he did not think that would be productive and would just like to give the basics as to how and why the Steering Committee made the decisions and recommendations they did in the Comp Plan Update. He continued when one looked for rural home you map out the area, look at the school system, lot size and general lay of the land. Mr. Hughes stated the one of the reasons those who lived in Westfield picked Westfield Township; is knowing there is a shopping center 12 miles to the north in Medina and the same distance to Wadsworth and Wooster.

Mr. Hughes continued the difference between the Zoning Commission and the Steering Committee is the Zoning Commission wants growth and the Steering Committee does not. Chair Sturdevant interjected the Commission needs to consider not only what the residents want but also what is best for the community. Mr. Hughes interjected that the consensus was built by the Steering Committee through the facilitation of the planner Mark Majewski, of not really deviating from the 1996 Comp Plan, as we did not want growth. Those are the individuals who moved here and live here. It is the same situation when Rittman wanted to annex land from Guilford next to the cemetery. The people who moved to Guilford did not want ¼ acre zoning. Mr. Hughes commented on the statement Ms. Brewer made at a previous meeting, that she could go to Hinckley to hike and bike; that is the way the residents here feel about shopping. We came here because we did not want to live with a shopping center in the community. It can't be what the Commission wants. This needs to be taken into consideration.

Chair Sturdevant asked if that was the consensus of the group as to why the Committee proposed going from Rural Residential with local commercial frontage to office/light industrial? Mr. Hughes stated the area across from Pilot should be developed before anything else. He continued that the Commission seemed to be missing the point and he did not want to waste his time talking about this small district. He concluded you have to look at the big picture. Keep the Township rural with no development. That is what the people want.

Ms. Kemp stated it was unrealistic to say no development. If the Committee does not want development why did it offer office/light industrial? Why wouldn't more studies be needed to determine the best use? Mr. Micklas stated one had to keep in mind when this Committee was working on the Comp Plan Update the Township was in the middle of an annexation. This was a compromise. Chair Sturdevant asked since the referendum has occurred how many people opinions have changed? Mr. Micklas stated he did not know but always felt some type of development had to go in that area and that was a good location except for the factor it is landlocked. A Gen. Business District where you have a mishmash of uses like what is being requested with the pending text amendment is not what the Township needs. We don't need more car dealerships, gas stations or hotels. We don't need any big box stores. Mr. Micklas stated he knew the front of the property is

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zoned Local Commercial but commented there has been no desire to develop it in that manner and it has been available to do so for years and nothing has been proposed until now.

Chair Sturdevant asked Mr. Micklas to explain why the Committee felt; from a traffic standpoint it would be better to zone that area office/light industrial? Mr. Thombs interjected that an office business such as Westfield Companies allows their employees to work staggered schedule so that there is not a rush of traffic at specific times. The office/industrial use proposed for this area would be encouraged to do the same. Big box stores at Christmas time would have Lake Rd. backed up to highway. Mr. Thombs continued that the Steering Committee knows that area will be developed but what the Committee was trying to do was to offer another development choice and the option to spread out the traffic. It was a compromise. If a large retail development took place it would bring more traffic on Westfield Rd., Greenwich Rd. and Hulbert Rd. Mr. Thombs asked if Pilot or Travel Centers of America was ever contacted about what a traffic gridlock would mean to their businesses? Would truckers decide to go somewhere else? Those two businesses have been very successful in our community. The Committee felt that Office/light industrial would have less traffic and impact than a large retail development.

Mr. Micklas interjected that many industrial businesses work in a shift environment so as not to place a burden on the flow of traffic at peak hours. That was another reason for the Committee choosing industrial for that area as well.

Ms. Sims stated she agreed with Mr. Thombs and Micklas. The Committee felt that an industrial office headquarters would benefit from visibility from the highway. Office/industrial would pay living wage jobs unlike most retail development. She commented that the Commission cannot ignore the bottleneck that would occur at Lake and Greenwich Rd.

Leslie Prochaska stated another reason the Steering Committee chose office/industrial was because the results of the survey regarding east Greenwich Rd. wanted that area to remain agriculture/single family. The Committee chose office/industrial as a compromise due to the rezoning requests that have been and are currently before the Township as well as the fact there is already plenty of retail available in Lodi, Seville, Wadsworth, Medina and Wooster. The quality of jobs was another factor in order to create a net tax benefit. It was also questioned if Greenwich Rd. could handle the extra traffic capacity that a large retail development would bring. The aquifer was another important issue as well as the potential for an increase in crime that tends to follow retail development. Lastly the fiber optic line that will be implemented in that area would be a great benefit to office/industrial businesses.

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John Miller: I was the only one on the Zoning Commission who voted to keep the Comp Plan Update as it was drafted by the Steering Committee. The nation as a whole is in need of more green space and recreation. The Recreation/Conservation District is important to have in the Comp Plan. I believe we can find a way to go around or under I-71. They have done it in Hinckley and Medina. Regarding office/industrial it was a compromise. It was a way to offer good jobs and be able to control traffic.

Ms. Sims stated the hike/bike trail was not something that was just thought up and made a corridor. The County has proposed a trail connection since 2001. Seville and Lafayette have move forward but Westfield Township has not. Ms. Sims continued that Mr. Scheetz has said if he receives commercial zoning in that area that his clients on both sides of the Creek were willing to donate easements for a trail. There is grant money available on the NOACA website for hike and bike trails. Medina Lake has taken advantage of that most recently. Ms. Sims stated the area in question is already used for recreation. There is a campground and a soccer field. That area has a lot of hydric soils dominated by flood plains. The campground would enjoy a hiking/bike trail, as would an office/industrial park. The Committee has never discussed the taking of property from anyone to create this corridor. It would be a voluntary action. Medina County has been able to do this north and south of us.

Ms. Rumburg stated there is a need for hiking/biking trails. We have a great opportunity to make that connection. There will be no taking of land. The Update does not say that. Ms. Rumburg continued that if a property owner did not agree to participate then it would not happen. If the Park District has land that could be utilized to enhance that effort it would be even more worthwhile. Regarding crossing the highway, Ms. Rumburg stated she spoke with Tom James from the Medina County Park District and he suggested that maybe the trail could go around over at Ryan Rd. The Steering Committee did not feel the implementation of the Conservation/Recreation District was something they needed to decide but only that it is a good opportunity to investigate. Ms. Rumburg stated she felt the Committee was just recommending certain land uses and that it would be up to the Commission to write the code and determine what uses would be compatible for that District.

Ms. Sims stated the Watershed District also has a 100-ft. easement that could be part of this as well. Chair Sturdevant stated that easement was for maintenance only. Mrs. Sims stated that has been worked out with Lafayette and Seville.

Chair Sturdevant stated the Commission too needed to be concerned with implementation and asked Mr. Thorne about permitting such a District. Does there have to be concern as to who the Trustees are in the future and what they may potentially do to implement this Recreation/Conservation District? Mr. Thorne stated the Trustees had the authority to appropriate property for public purposes now. The Trustees could establish such a

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corridor if they wanted to regardless if it is put in the Update. On the other hand if the Trustees decide not to move forward with such a District then it would not move forward. This is not within the control of the Zoning Commission or the Steering Committee.

Mr. Micklas stated 20 yrs. from now there will probably be 2 more comp plans written so regardless of who the Trustees are now or who's on the zoning boards now it could all change. Ms. LeMar stated it did not make sense to make decisions based on what ifs or the Township would never move forward. Ms. Prochaska interjected that zoning for lawsuit avoidance was also a no win situation.

Mr. Thombs stated he was president of the board of the Mohican Outdoor School located in Richland County. The County approached the school as they wanted to put a hike/bike trail right through their camp. Mr. Thombs added that kids were brought to the school/camp by the hundreds so the trail was a big concern. Mr. Tom James Director of the Medina County Park District was a big help in making this happen and would probably be a big help in creating a recreation/conservation district along the Chippewa Creek. Mr. Thombs continued that Richland County accepted all responsibility for any lawsuits or damages on any easements the School gave to the County. This could be written into an easement agreement. Regarding the issue of a hike/bike trail crossing I-71, one would have to walk/bike on Chippewa Rd. for about a ¼ of a mile or just ride the part of the trail that does not require one to ride on Chippewa Rd. This is very do able and could be done in a way that does not harm anyone and the park district could be instrumental in this endeavor.

Ms. Sims again interjected the importance of the Park District in the acquisition of land in developing hiking/biking trails and obtaining grant money to do so. She added it is also important that floodplains are protected as well the protection of the aquifer, which was an important water source.

Chair Sturdevant stated the reason the majority of the Commission deleted the acquisition of parkland from the Update was that individuals don't want to pay more or higher taxes. When the park acquires land in the Township, that property is no longer taxed which in turn puts a higher tax burden on the residents of the community. Mr. Thombs stated the value of one's home would be based on the nature of the Township. People will buy into a County that has that type of environment. He added what little you are going to lose from a tax base standpoint would far exceed what you would gain in terms of the nature of the community. Mr. Thombs stated he had no issue with Mr. Scheetz wanted to count the corridor/easement as green space for his proposed development.

Mr. Majewski stated regarding the conservation/recreation corridor, the Update did not offer specifics but offered a general concept of connecting one area i.e. Chippewa Creek to the Village and this has been done in thousands of communities over the nation. The

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details would need to be worked out between several entities if it was going to happen. He continued that the Township may find out it is not feasible but until you investigate it is an unknown. Mr. Majewski stated he was personally involved with such a trail project in Lake County. The biggest obstacle to overcome was I-90. Eventually a pedestrian bridge was built and the trail put in. He concluded this concept is very real and the Township can take advantage of the natural resources it has available.

In general the Steering Committee members stated that did not think the recreation/conservation district was something the Zoning Commission had to implement on their own but was to be a joint effort between the County and surrounding communities.

Mr. Thorne stated a Comp Plan has several different aspects. You can have good zoning that's not legal or what is legal is not necessarily good zoning. The basic idea of a Comp Plan, contrary to what some individuals think, is to avoid a lawsuit. The Comp Plan is to include the ground studies, the analysis, and the reports as to why you chose a certain area to be developed in a certain manner. If that is not in this Update then from a legal standpoint it is worthless. It may have good zoning but it needs support for the actions taken.

Mr. Thorne continued that some of the elements in the Comp Plan Update were not even zoning issues. The Recreation/Conservation corridor does not have to be implemented. Many of the aspects in the Update have nothing to do with the authority of the Zoning Commission. The issue is much of what is being suggested does not state who would be responsible for implementation. What is being suggested in this Update is not within the jurisdiction of any board in the Township. Residential groups can implement these suggestions or the Trustees could initiate it and work with other groups to get these ideas moving forward. He added that the Recreation/Conservation corridor did not need to be in the zoning resolution as the concept went far beyond zoning code.

Mr. Thorne stated he was looking for the facts that back up the reasoning and decision making as to why certain areas in the Township were being recommended to be zoned a certain way. That "it was a compromise" or "that's what the majority of the residents want" is not good enough if there is not an economic viable use for the property owner. For example if you have an area you want to keep low density and it is a viable use of the property in that area; don't tie it to utilities like currently drafted in the Update. It is very easy for a developer to come in and extend utilities. The developer pays for utilities to be extended, the Township gets water and the utilities get customers. This is a no lose scenario. Mr. Thorne said another example was the promotion of agriculture in the Update. Agriculture is not going to be regulated in the zoning code nor is the Zoning Commission or the Trustees going to be required to go to Columbus to promote the

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cause. These concepts are beyond the authority of the boards of the Township and do not belong as part of the zoning resolution.

Ms. Prochaska stated those who decided to be part of the Steering Committee felt they could provide a service and this process has been riddled with threats. What is the Township to do every time someone threatens the community with a lawsuit? Mr. Thorne stated a Comp Plan is to provide the scientific, factual background and support as to why you have suggested a certain area to be developed in a certain way. For example regarding the office/industrial recommendation if the Committee had a study on major intersections in Ohio and at 50% of them there is this type of zoning and it works. If you only say it was a compromise there can be other uses that can use the same criteria in the Comp Plan as well and that does not do anything if the Township is challenged.

Ms. Sims read a letter from Mr. Majewski to the Steering Committee that gave a list of items to consider when recommending land use. That list consisted of environmental factors, topography, drainage, soil conditions, habitats, flood plains, etc. Mr. Thorne stated a listing of factors does not apply to a specific recommendation.

Mr. Majewski stated the text in the Comp Plan Update does not specifically recommend office/light industrial for the Greenwich Rd. area. The question that was raised was if the existing zoning of Rural Residential was still appropriate. There was pressure on the Committee to make certain decisions about this property. The future land use plan states "to consider establishing an office/light industrial classification." Mr. Majewski continued that traffic it was discussed in that commercial traffic was much different than industrial/office traffic and that was a major concern. The intersection at Rt. 224 and Lake Rd. was also discussed. Mr. Thorne stated the Update really is not a plan it is a recommendation as he saw it and to implement any of the suggestions would require more study.

Chair Sturdevant read a document on Comp Plans from a training session put on by Walter and Hatterfield which stated, "Even though the case law in Ohio indicates that a Comprehensive Land Use Plan is a policy guide for local government, the Cuyahoga County Court of Appeals and K-Mart Corp vs. City of Westlake held that the City of Westlake Comp Plan had the force of law when such guide plan was incorporated by reference into the City's zoning code...A Comp Plan serves as an important piece of evidence in both challenging and upholding zoning regulations... A zoning code can deviate from a Comprehensive Plan but if it does there should be evidence on the legislative record from the planning authority and the local legislative authority as to why this particular zoning regulation deviates from the Plan."

Chair Sturdevant stated she was getting from Mr. Majewski that the Update was just recommendations but from some on the Steering Committee this Update was what was to

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be implemented. Ms. Rumburg stated under the explanation of the 1996 Plan, it reads, "is intended to serve as a guiding document during various planning, zoning and development decision making decisions as they arrive in Westfield Twp. The Plan itself is not legally binding in nature however the specified goals and objectives stated in this document are an accurate representation of Westfield Township resident's development preferences and likely policy positions on development issues." Mr. Thorne stated what he needed to know is what the development policy preferences were based on.

Mr. Miller stated when this process was started there was a soil condition study that was previously completed that the Steering Committee relied on as well as the traffic study that was done for the Rt. 224 Lake Rd. intersection. Also Mr. Salay from the County Engineer's Office stated that intersection was maxed out. Do those studies need to be in the Comp Plan? Mr. Thorne stated they should be referenced in the Plan. Regarding the intersection being maxed out that had to do with physical improvements that could be done in that area not that it could not handle more traffic.

Mr. Greenwald asked if there was any litigation that supports big box stores? Have there been any big box stores that have expressed an interest in locating in that area? We need to protect our water and open space. This process seems futile.

Ms. Sims stated Mr. Scheetz was at every Steering Committee pushing his agenda for the Kratzer property for a new zoning classification for that area. He has submitted 40 annexations regarding land rights on the Creek. The Steering Committee and the residents did not support that area for retail development. Chair Sturdevant interjected that the survey did not support office/light industrial either. Ms. Sims stated there was documentation for office/light industrial. Letters were written previously by the Clerk Martha Evans that the industrial area was maxed out and questioned if more land should be rezoned to that classification. Mr. Thorne wrote a response that you can or can't rezone land as long as there is a rationalization for that decision. She concluded that there is an eminent threat from developers such as Stan Scheetz and the property owners he represents.

Mr. Thorne stated what he heard from Mr. Majewski is that these are just recommendations and further studies are needed so then it really doesn't matter. Ms. Sims stated she was concerned that \$30,000 has been spent on this Update. The Commission at the time asked the Trustees to move forward with an update, to again gauge resident opinion through a survey. It seems the results are status quo from the original plan and survey so what is needed? Mr. Thorne responded the Comp Plan is not necessarily ruled by what the residents want. Whatever zoning changes are implemented there has to be a rationale for doing so.

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Chair Sturdevant stated it appeared Ms. Sims does not see this Update as recommendations but what must be implemented. Ms. Sims stated you have an annexation for industrial so that shows intent. Documentation has been submitted that developers have come before the Township stating they want industrial. The industrial district is the only zoning district that is maxed out and provides a sustainable tax base. Industrial would provide those property owners with a third viable option to use their property. An industrial park with living wage jobs is a good use for the property. Ms. Sims stated she supported office because that would eliminate additional truck traffic in that area but this was her own personal opinion. There is a health, safety and welfare issue with the domination of floodplains in that area. Mr. Thorne responded that the County stated that could be worked around. It has also been stated that the local commercial zoning on the front of the properties was not functional due to the limitation of the building size in the current zoning resolution.

Ms. Sims continued that the Zoning Commission was getting a bad reputation by deleting the office/light industrial zoning classification and replacing that with "a new zoning classification." She commented, how ironic the Commission has a new zoning classification application in front of them i.e. General Business District. She added it appeared the Commission was doing this to cover your butts or encourage development, which is in conflict with both surveys and the Comp Plan and Update that has been done previously. How did the Zoning Commission come up with that recommendation and to spend money for studies...Chair Sturdevant interjected that all of the speakers have come before the Commission i.e. from the County, NOACCA, the Watershed District have done so at no charge to the Township whatsoever. The Upper Chippewa Development Committee, which was composed of conservationists, developers as well as Township and County officials, presented valuable information that again has cost the Township nothing. Chair Sturdevant stated the Commission was trying to gather as much information as possible without spending taxpayer money to make a rationale decision. She added the update was not presented as a recommendation but a determination as to what the future land use should be and the Commission was not comfortable without having the rationale and documentation to support it.

Mr. Thorne commented that it appeared that what Ms. Sims and Ms. Rumburg was saying was in conflict. He again asked, is this Update just suggestions/recommendations for consideration and further studies: or a concrete decision as to what the future land use of the Township is to be? Chair Sturdevant stated no documentation has been received from Mr. Majewski or the Steering Committee as to how these "recommendations" were determined.

Ms. Prochaska asked if the Steering Committee could ask the Zoning Commission with the cooperation of legal counsel, to draw up the proper wording based on the information the Steering Committee offered for their decisions this evening and put that information

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in the Update? Chair Sturdevant stated she needed to know first if this Update is a suggestion of ideas to consider and further studies needed, or a firm recommendation as to what is to be implemented as the future land use plan.

Mr. Simmerer stated that it appeared the Update did not contain supporting documentation as to the rationale of the decisions made by the Steering Committee. Mr. Thorne again asked is this Update just recommendations to be considered, or a definitive recommendation as to what the future land use plan should be? He added he read it that these were not definitive recommendations but ideas that would require further studies.

Mr. Galish stated when he started on the Steering Committee he thought the Committee was not to tell Zoning Commission what to do. He added he thought they were just to make recommendations. Chair Sturdevant stated it needed to be determined if the Update is written as just a general guide or specific recommendations Mr. Galish again stated the Steering Committee was not going to tell zoning what to do.

Chair Sturdevant asked Mr. Thorne if a Comp Plan should be general or specific? Mr. Thorne stated it depended on what the Township wanted to use it for. If you are going to use the Plan to make specific recommendations then there needed to be more rationale.

Mr. Kramer stated all of those in attendance tonight are concerned and interested in the community. He said he personally moved to Westfield to avoid the congestion in Medina. The area around the campground is a mess due to traffic and the recycling center. Just imagine that area with large retail open 24hrs. 7 days a week. Mr. Kramer stated he felt the Committee should get back together because there is documentation to support the decisions made. He added he understood Mr. Thorne's concern because the Pros. Office has to be able to defend the zoning and needs documentation to support the Update. Mr. Kramer commented that one had to look long term as he has lived in Medina his whole life. All sorts of promises were made to the City of Medina when development came in and how good it was going to be for the community and support the schools. This has not been the case. Mr. Kramer stated he avoided Medina and it is all due to bad planning because the City thought it was going to get money. Development can be done the right way where everyone benefits. If we are going to have development that area is the best place for it. It is the type of development that has to be scrutinized. He continued that office and light industrial is a good idea or even to make the whole area local commercial and increase the size of the buildings that would be permitted within the local commercial district. Mr. Kramer continued that one could go 15 min. in any direction and get to a Wal-Mart, Home Depot or K-Mart. Westfield Township provides the solace that it doesn't have those businesses. He added he felt the Recreation/Conservation District was a great idea to take advantage and protect our natural resources. This Update is just a guide. We have the opportunity to do this right so lets do it.

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Mr. Greenwald told the Commission to run with it. The Steering Committee has given the ball. Run with it.

Mr. Micklas stated he personally did not agree with Mr. Kramer that the area should be zoned local commercial and the size of the buildings increased. However due to the circumstances the east Greenwich Rd. area needs to be revisited. Mr. Micklas added he felt that the Steering Committee should provide the documentation to support the recommendations made. The Update is a good plan. Mr. Simmerer agreed the Update should have documentation to make any recommendations defensible whether those recommendations are soft or hard.

Ms. Zweifel stated she did not know if she felt the Update should be considered concrete recommendations. Any changes made need to have supporting documentation otherwise you are wasting your time.

Ms. Prochaska stated she agreed additional support documentation was needed but asked when is enough enough? Mr. Thorne stated as long as there is a reasonable basis for the decisions or recommendations. If you are going to make a recommendation for X then all the rationale for choosing X over Y needed to be documented. It is not that difficult. Mr. Thorne reiterated his question, is the Update a recommendation for consideration or is it like Ms. Sims stated this is what you want? Ms. Sims interjected that is not what she said and again read the explanation of the 1996 Plan, and commented maybe that needed to be put in this Update as well. Mr. Thorne stated the Commission is asking why and there needed to be a reason for the preferences. Ms. Sims then again read the letter written by Martha Evans and the response from Mr. Thorne. The highlight is as follows: "If the development plan for the Township is a rational, thought out plan, there should be little chance of such a challenge being successful unless the land involved, by chance to be surrounded by other industrialized properties or on the fringe of an industrial zone or a finding made that the land could not be used than other for industrial purposes."

Mr. Thorne stated Ms. Sims was wasting time. He could not determine if the recommendation for office/light industrial was a well thought out plan because there is no support for this conclusion. All that is required is to provide for a viable use of the property. It does not have to be industrial. It could be something else that could fit.

Ms. LeMar stated it appears what is needed is a definition of what a Comprehensive Land Use Plan is. She added the Trustees should be asked what they believe a Comprehensive Land Use Plan is and to give some guidance. We need to get a handle on this and all be working from the same page.

Mr. Thombs stated from what he has heard this evening, there was not enough definition as to what the Steering Committee did regarding the Update. He added he felt the Zoning

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Commission was just as negligent as the Steering Committee in making changes without supporting documentation and before the expert speakers presented their information. That is what has bothered the Steering Committee the most. Mr. Thombs stated he did not feel the Update could be anything more than a recommendation because no matter what the Commission recommends the three Trustees could change it.

Mr. Thombs stated he has never seen a plan from the current developer or heard an explanation from him as to why his proposed project should be approved. Mr. Thorne has stated specifically that we should not act on anything until the developer tells us how he intends to handle the traffic, the sewer. What is the cost involved? Mr. Thombs stated until that was known he did not feel the Township should even deal with the proposed development. He stated he would rectify this situation by picking 3 Commission members and 3 Steering Committee members to sit down and come up with something to bring back for discussion.

Mr. Thorne stated a developer usually does not do studies until they receive zoning approval. Then they come back specifically with a plan and if they cannot meet or do x, y or z then the project is not approved. Mr. Thombs stated a lot of the expertise information could not be given until one knew what the specific project would consist of.

Chair Sturdevant stated by law the Commission had to move forward on the text/map amendment applications before the Township. The Commission could not stall the process until this Update is adopted in some form. She added the Commission also did not have to approve everything as requested but could make modifications to the applications accordingly.

Ms. Rumburg stated she agreed with Mr. Majewski's wording i.e. "recommendation, being suitable for, consider establishing..." Ms. Rumburg stated Mr. Majewski was done facilitating this process so who would now facilitate the gathering of support documentation? She commented that it would almost require a neutral person to work with the Steering Committee as well as be familiar with land use planning. Who would now take charge? Ms. Rumburg stated she stood by the wording in the Update that these were recommendations.

Mr. Galish and Mr. Greenwald both stated they felt the Update was a recommendation only.

Mr. Miller stated in the Comp Plan Update under implementation it gave a lot of information as what the Township was to do and how we are supposed to do it. Mr. Miller continued the Update did not say all the recommendations had to be done by the Zoning Commission. The Update did not deny the Township from going outside and working with other agencies to be able to implement the recommendations. Mr. Miller

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stated this Update as originally drafted is supported by the resident survey and the Steering Committee.

Mr. Kalmeyer asked if the 1996 Plan had many challenges? Chair Sturdevant stated there was an update done in 2003. Since that time the landscape of the Township has changed in terms of development requests. Mr. Kalmeyer stated the Steering Committee did go through the old plan and made recommendations and that is what they were recommendations.

Ms. LeMar stated she was always under the assumption that what the Steering Committee was doing was making recommendations but she would like some guidance as what this Update needs to be to get this process done.

Mr. Majewski stated this was not going to be a make a plan project initially but then there was a rezoning application made and then it was can you help us evaluate that. That takes a lot of the planners time, developers time, engineer input etc. to evaluate. The Township then decided not to do that or the applicant decided he was not going to pay for it. The Update is about the whole community not one particular area but that seems to be the sticking point in this process. If the Update needs more support Mr. Majewski stated he could provide some assistance to the Committee or the Committee could suggest some language and he could review the language. There is no silver bullet in preparing an Update especially when it comes to this area. There was always new information being thrown on the table for consideration regarding this particular area. He added he hoped the Committee was proud of the 98% of the Update that was not in contention.

Chair Sturdevant stated she agreed with Ms. LeMar that even if supporting documentation was provided and that's not what the Trustees wanted then everyone wasted their time. Do the Trustees want general suggestions or concrete recommendations? Mr. Miller stated the original update should be submitted to the Trustees for their consideration and adoption.

Ms. Rumburg stated several members of the Steering Committee wanted their names taken off the Update if it is modified from the original draft. Chair Sturdevant stated fine but to her that makes the statement that the Update was more than just a recommendation of the Steering Committee. Mr. Thombs stated he believed those who wanted their names off did so because that was not the Update that was drafted by the Committee.

It was stated that Mr. Oiler was not verbally participating this evening as now he was a Trustee and would be voting on the Update. Ms. Sims stated Mr. Oiler did participate on the Committee and did not remember that he voiced any concerns or objections to what the Steering Committee drafted.

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Chair Sturdevant stated public comment would be taken at the continuation of the public hearing on the Comp Plan Update to be held on January 11, 2011 @ 7:30 p.m. She stated she would also ask the Trustees for some guidance at their next meeting about what a Comp Plan means to them and if they would prefer it more general or specific in nature.

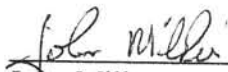
Ms. Sims submitted Mark Majewski outline for land use and the NOACCA regional study on retail development on behalf of the Zoning Commission's "new zoning classification." This is supporting documentation that retail is not a supported use for this area. Mr. Thorne stated that information should be submitted at the continuation of the public hearing on the Comp Plan Update.

The work session was adjourned at 10:20 p.m.


Respectfully Submitted,
Kim Ferencz-Zoning Secretary


Chairperson, Heather Sturdevant

Jill Kemp


John Miller

Kathy Zweifel


Sue Brewer


Scott Anderson