

**WESTFIELD TOWNSHIP  
BOARD OF ZONING COMMISSIONERS  
REGULAR MEETING/CON'T OF PUBLIC HEARING-COMP PLAN  
UPDATE 2009-2010  
MARCH 8, 2011**

Chair Sturdevant called the regular meeting of the Westfield Township Board of Zoning Commissioners to order at 7:36 p.m. Board members Anderson, Brewer, Miller and Sturdevant were in attendance. Permanent Board member Kemp was absent. Alternate Board member Kathy Zweifel sat in for a full Board. Alternate member Greg Brezina was also present. Other individuals in attendance: Jack Greenwald, Ron Oiler, Dennis Hoops, Larry Bensinger, Bill Thombs, the Kerrs, Matt Witmer, Stan Scheetz, Carol Rumburg, Karen Fisher, the Hoops, Jim Likley, Gary Harris, Leslie Prochaska, Stan Scheetz, Russ Zupanic, Agnes Porter, Kathy LeMar, Tim Kratzer, Kevin Daugherty, and Mike Schmidt.

**Expert Speaker-Tom James Medina County Park District**

Mr. James stated that he was invited to speak to the Commission this evening and had a list of questions that were given to answer, plus he would offer additional information to the Commission this evening.

1. There are 977.45 acres of Medina County Park Land in Westfield Township
2. Largest land holdings the County Park District has in Medina County-Lafayette Twp. with 1,168 acres
3. Largest open space Township in Medina County is Hinckley Township which is not part of the Medina County Park District but the Cleveland Metroparks with 2,500 acres.
4. Regarding trails and the potential impact on adjacent property owners there are two statutes that regulate trails i.e. 1. Recreational Users Statute in the ORC (1533.18) which states if you open your land to somebody for recreational use at no cost you have no liability to maintain the property in a safe manner or make any guarantees to the individual using the property; 2. Recreational Trails Statute in the ORC (1519.07) which directly protects property owners that adjoin public trails. For example if you have a trail next to your property and somebody walks onto your property you have no liability.
5. The trail the Park District has had open the longest is the Lester Trail in York Twp. (1997) and it is approximately 3 miles in length.
6. The County Park District has no trails on easements; only County owned park land
7. We are currently working with the City of Brunswick on a trail on City owned property. The City would be granting an easement to the Park District.
8. The Park District ended up with 977 acres in Westfield Township based on resources. Approximately 600+ acres are related to aquifer protection i.e. purchase of Baker Sand property and most recently the Harrison property. The Park purchased a 300 acre farm on the west side of Chippewa Lake in 1999.

## Page 2 Westfield Twp. Zoning Commission March 8, 2011

Chair Sturdevant asked the following questions:

1. Besides resources and aquifer protection what other reasons would the Park purchase land?

Tom James: Purchases are usually natural resource based. Much of the land the Park purchases is low lying, located in the flood plain or a wetland and/or species protection oriented. There are very few large tracks of land for sale any more in Medina County but size is also a consideration.

2. Does the Park District tend to leave the land in a natural state or build structures on the land?

Tom James: Typically Medina County Park District has no more than 20% of its land base developed in any fashion and the remaining 80% is left natural. The land purchased in Westfield Township i.e. Chippewa Lake, Baker Sand and the Harrison property were all water resource based. Fishing and boating were the biggest attractions.

3. The Township is in process of the adoption of a Comprehensive Plan Update. One of the concerns regarding the incorporation of hike/bike trails is the potential of a public taking. Has the Park District ever done a public taking?

Tom James: The Park District does have the power of eminent domain. In the Park District's 45 yr. history there have been 3 takings i.e. Hubbard Valley Lake-the dam had to be in that exact location for flood control; Small property on Chippewa Lake that had no owner of record; acquisition of 65 acres on west side of Chippewa Lake.

4. Why did you take the land on Chippewa Lake?

Tom James: The Park District did not want a housing develop on the west side of Chippewa Lake and felt if it went to private sale it would be developed

John Miller questions:

1. In the Comp Plan Update drafted by the Steering Committee and professional planner, it was recommended to the development of a conservation corridor abutting the Creek which also has an easement by the Muskingum Watershed. If it was to become a conservation corridor and the Park would buy the land to put in a trail, how much land would be required to put in a trail?

Tom James: A typical trail takes about 30 ft. in width. It would be a 10 ft. wide trail and 10 ft. on either side for a berm.

2. Since it was such a small area the loss of tax dollars from agricultural land would be minimal?

Tom James: When the Park District purchases land and takes it out of the tax base, the State replaces that money with State funding for the school district.

3. So the purchase of Baker Sand and the Harrison property did not cause the school to loose tax money it was made up by the State?

Tom James: That is correct. We are still paying taxes on the Harrison property because they have the use of the house for life. We also pay taxes on some of the property along Chippewa Lake because it is being farmed. While those uses are still in existence we are paying taxes.

**Page 3 Westfield Twp. Zoning Commission March 8, 2011**

John Miller: So it actually appears the more park land we have in our community the better for our schools.

4. If the County were to put in this trail, there is the issue of crossing I-71 and I-76 to connect the Seville trail system to the Chippewa lake trail system. How would that work?

Tom James: I don't have a definitive answer. It is a barrier for us. The way those roads are put in it would be difficult to bridge then so we would probably go under them i.e. trying to pass under an existing bridge. There is a piece of property along Ryan Rd. that was the old inner urban railroad and owned by the Rail Road Museum. This land goes up to Chippewa Village which would probably be the more likely route than the creek because of the height of the bridges where the railroad passes under the highway.

6. How would the trail be paid for?

Tom James: The trails currently built in Medina County have been paid for by County funds and State or Federal grants.

7. The lease rights of Muskingum Watershed is that an issue with a trail?

Tom James: We have a trail already called the Chippewa Inlet Trail which runs from Chippewa Rd. to Rt. 162 which is located in the Watershed's easement and they like it so they can use it to maintain the creek.

8. Do you do maintenance of the trails i.e. plowing?

Tom James: No, because if you do then you would have to salt and that would not be good especially in low lying areas of salt getting into the water source and wetland areas.

9. Do you see any issues with the proposal of a conservation corridor?

Tom James: Assembling the right of way to get the trail in will be a task. It will take a lot of negotiation. If the piece of land from Chippewa Village going down is able to be negotiated with the Railroad Museum, there would then be one large chunk of property acquired which would make the project a whole lot easier.

John Miller: We (Commission) were told that the property owners who owned the land between Greenwich Rd. and Interstates would be willing to put in or allow trails with no issues.

10. John Miller: When the Park District took land as previously mentioned, were the owners given fair market value?

Tom James: It is required that a certified appraisal has to be completed. The property owner has the right to present their own information and have their own appraisal completed as well. None of the three takings I mentioned ever went to trial. They were settled prior to going to court.

**Page 4 Westfield Twp. Zoning Commission March 8, 2011**

11. The area we are talking about is in the floodplain with much hydric soils. What is the possibility the County would buy that land as park land to preserve the water aquifer underneath the land and put in a trail?

Tom James: The Park is always interested in protection and preservation of natural resources. Takings are very expensive and that is not the way the Park wants to end up with land. There are appraisal costs, attorney fees, court costs, etc. If I never have to do it again in my career I would be happy. This particular conservation corridor is shown on the Park District's Master Plan dated 1978 because of the natural resource conditions in that corridor. It all comes down to finances and funding to be able to purchase land and with the economy the way it is it is not a certain especially with State funding. Grant programs being available are and have been a tremendous resource for the Park District to purchase land.

12. Would State funding be available to possibly make this purchase happen?

Tom James: If the Clean Ohio Fund continues to exist that would be the primary source of funding. In the past it has provided 50% of the purchase cost to us for park land.

Chair Sturdevant: Therefore is it safe to say the Park District would be interested in the creation of a conservation corridor and putting in a hike bike path

Tom James: Yes, we are interested in connecting trails in Medina County.

Mr. James agreed to take questions from the public.

Bill Thombs: At last night's Trustee meeting, there were some amendments offered in response to the Upper Chippewa Creek Balanced Growth Initiative plan to determine the usage and extent of the aquifer and wetlands. One amendment offer was to keep the Township more in control. We were told that could impact the likelihood from obtaining grant money. Is that true?

Tom James: I can't answer the question for sure at this point because... I know it was discussed with the UCCBGI Committee about having a local preference area for the Township. As long as it is part of everything that it adopted it would not have any impact. The Township would still be part of the Watershed Plan. All the Plan provides for is the opportunity for the Township to say we are part of the Plan and points would be given on the grant application. If the Township wanted to buy land in the local preference area the Township would not get a point on the grant application because it is not a defined area to conserve or build.

Chair Sturdevant: A local preference area is still part of the Plan but is defined by the Township not the UCCBGI Committee.

**Page 5 Westfield Twp. Zoning Commission March 8, 2011**

Carolyn Sims (5570 Mudlake Rd.) In one of the first revisions of the Comp Plan the Commission removed the reference to the “acquisition of park land”. By having that wording in the development policy helps the Park District continue to get grants and funding. Grants and funding have gone along way in protecting our ground water and aquifer. One of the funds responsible for the Park being able to purchase land is the Clean Ohio Fund. Regarding eminent domain our highway has been more of active in that realm than the Park District.

**Public Comment**

Ms. Sims asked about the status of the wording in regards to the unspecified new zoning classification “studies done by the Township or applicant” in the Comp Plan Update Draft? Chair Sturdevant stated the Commission recommended that language be removed however it did not make it into the final revision of the Comp Plan as modified by the Commission and packaged by Mr. Majewski.

Ms. Sims asked about the status of the EPA Study? Chair Sturdevant stated she and the Zoning Inspector have been working on gathering all the background information on all the parcels, the buildings on the parcels, and any wells or sewers located on the parcels. This is almost completed and would then be sent to the EPA. The EPA would then let the Township know what their time-frame would be to complete the study. There has to be 2 different drawings of the parcels. One of the parcel itself and another of all the parcels grouped together. One drawing has to show all the buildings, structures, wells, etc. and another drawing has to show the parcels per the Township’s Natural Hazard Overlay District. Also required to be included was the info in the original Comp Plan regarding the soil types. The EPA would then decide if they could make a general determination of what could or should be developed in that area, or if more specific soil testing would need to be undertaken to make a determination. As previously stated if the less than 26 employees it falls under Health Dept. regs if more, it fell under the EPA which at that time could require soil testing.

Chair Sturdevant stated it was a long process. Acreage of the parcels had to be submitted. After the highway taking some of the parcels acreage were not updated on the Auditor’s website. The EPA is questioning that. She commented again it is an extremely tedious process.

Ms. Sims stated previously the Commission said they felt this EPA study was essential for the adoption of the Comp Plan Update. Is it the intent of the Commission to continue to pursue that?

Chair Sturdevant polled the Commission members:

Sue Brewer: I would like to see study done

John Miller: The Comp Plan Update as submitted by the Steering Committee and professional land use planner is what should be adopted

**Page 6 Westfield Twp. Zoning Commission March 8, 2011**

Chair Sturdevant: I am o.k. either way. The reason is once the study is completed the information could be added as an addendum to the Comp Plan Update if need be. On the other hand we are being criticized for holding up the adoption of the Comp Plan Update. I don't know if the information from the EPA will have an effect on the Comp Plan Update but regardless it would be good information to have even if it was added as an addendum to the Comp Plan Update.

Kathy Zweifel: I agree the study is important and should be added to the Comp Plan Update as an addendum, but I don't feel the adoption of the Comp Plan should be held up.

Scott Anderson: I agree

Ms. Sims stated she hoped the Commission would move forward with the Comp Plan Update as drafted by the Steering Committee over a year long process with the advice of a professional land use plan the Trustees hired and paid for with minimal revisions.

Ms. Sims then asked if the text/map amendments before the Trustees currently was playing on the thinking of the Commission members and the adoption of the Comp Plan Update?

Chair Sturdevant again polled the Commission members:

Sue Brewer: No, We are done with that process. My focus now is the Comp Plan

John Miller: The amendments have been forwarded to the Trustees and now they have to hold their public hearings. I stated my case and that is it. Now I am focusing on the Comp Plan.

Chair Sturdevant: No, the amendments are not playing a part on the adoption on the Comp Plan Update. We are done with that issue and based our decision on the proposed amendments based on the Comp Plan currently in place and reviewing viable use claims. There was a cross over by Planning Services when they reviewed the proposed amendments as they did reference the proposed Comp Plan Update. Therefore, I did not take that into consideration when I voted on the amendments as that "Update" was not adopted.

Kathy Zweifel: I agree with Chair Sturdevant and John Miller.

Scott Anderson: I agree too.

Ms. Sims stated she was glad to hear the Commission was separating the Comp Plan Update draft from the proposed amendments before the Trustees. However she added she hoped the Commission would consider the Update as drafted and recommended by the Steering Committee and professional planner which was vastly different than the revised Update drafted by the Commission. Ms. Sims stated she would like it somehow indicated that the Steering Committee participated in the process, drafting and consensus of the



**Page 7 Westfield Twp. Zoning Commission March 8, 2011**

draft submitted and endorsed by the Committee and not that as revised by the Commission.

Chair Sturdevant then read a memorandum dated February 5, 2011 from Mr. Majewski professional planner from Northstar Planning regarding the East Greenwich Rd. recommendations. (See attached to approved meeting minutes). Also included was a report from NOACA (See attached to approved meeting minutes).

Chair Sturdevant stated this information was forwarded to the Mr. Thorne at the Prosecutor's Office. His initial review was that information should not affect the Update no matter how it was written. However, Mr. Thorne was not able to be present this evening. Chair Sturdevant stated she contacted the Commission members who stated they wanted to move forward with the con't of the public hearing this evening. Mr. Thorne stated he would complete a more in depth review and would be able to meet with the Commission on February 15, 2011.

Chair Sturdevant stated based on the expert speakers the Commission has heard and Mr. Majewski's memorandum, she would poll the board members to see if any opinions have now changed based on this additional information.

Scott Anderson: I am comfortable with where I stand.

Kathy Zweifel: Me too. I am more in line with the original Update as drafted by the Steering Committee and professional planner Mark Majewski.

Sue Brewer: I might be changing my mind a bit.

John Miller: I am comfortable with the Update as drafted by the Steering Committee and professional planner Mark Majewski and based on the resident survey. I feel if we don't do what the majority of the residents want we are doing them a disservice. The verbiage "acquisition of park land" should be put back in the Update.

Chair Sturdevant: I know after hearing Mr. James this evening I am a whole lot more comfortable about the park. I was not aware the State gives back the money that is no longer paid by property owners if land was taken out of the tax base by the Park District. I also feel per presentations the Commission has sat through; that office use makes a lot of sense for the Greenwich Rd. area. Light Industrial is practical on the east side of the creek where it was proposed at an early date. I can't say that I would change the Update back to exactly how it was originally drafted, but I have changed my mind about several things. I think we are a lot closer to making a decision but still wanted to hear what Mr. Thorne had to say from a legal standpoint. The Commission stated they would like to continue hearing on the Comp Plan Update and to leave public comment open as well to when Mr. Thorne was available.

Chair Sturdevant made a motion to continue the public hearing on the Comp Plan Update for March 15, 2011 @ 7:30 p.m. It was seconded by Mr. Miller.

ROLL CALL-Sturdevant-yes, Miller-yes, Brewer-yes, Zweifel-yes, Anderson-yes.

**Page 8 Westfield Twp. Zoning Commission March 8, 2011**

Zoning Inspector Witmer stated the Cloverleaf School District submitted an application for review of a revised site plan to add a privacy fence on the northern edge of the property.

Mr. Anderson made a motion to set a special meeting for purpose of a site plan review for Cloverleaf School District for the erection of a fence on the northern edge of the property on March 15, 2011 @ 7:00 p.m. and any other General Business that may come before the Commission. It was seconded by Ms. Brewer.

ROLL CALL-Anderson-yes, Brewer-yes, Zweifel-yes, Miller-yes, Sturdevant-yes.

**Approval of Meeting Minutes:**

Chair Sturdevant made a motion to approve the January 4, 2011 as amended. It was seconded by Mr. Anderson.

ROLL CALL-Sturdevant-yes, Anderson-yes, Brewer-yes, Miller-yes, Zweifel-abstain, not present.

The meeting minutes from January 11, 2011 were tabled for further review.

Chair Sturdevant made a motion to approve the January 25, 2011 meeting minutes as written. It was seconded by Ms. Brewer.

ROLL CALL-Sturdevant-yes, Brewer-yes, Anderson-yes, Zweifel-abstain not present, Miller-yes.

**MISC.**

Chair Sturdevant stated there was a recent episode of the cancellation of a meeting due to inclement weather. She stated she contacted Mr. Kubulis to see if the cancellation of evening activities was advertised. He stated they only advertise on television that evening activities are cancelled if it is a major event being held at the school. If a coach only has 5-7 kids on a team and they live a ½ mile from school the coach may hold practice. Therefore it cannot be posted on television that all evening activities are cancelled. Mr. Kubilis stated he could be contacted if school was closed during the day and it was the night of meeting to find out if in general the majority of activities would be cancelled for the evening. Therefore the cancellation policy for a meeting was not as cut and dry as originally planned.

Alternate Commission member Zweifel stated that previous alternate Commission member Kevin Primer's son was killed last week. She would bring up a card for everyone to sign and would delivery it to the family.

Chair Sturdevant stated a resident brought up at the boards last meeting about internet cafes. She added she spoke to the Pros. Office and there was nothing the Township could do. Villages and Cities could impose a moratorium but a Township could not. A letter has also been received from the Prosecutor's Office that they are currently investigating these types of businesses to determine whether they are legal gambling institutions. (See attached to approved meeting minutes).



**Page 9 Westfield Twp. Zoning Commission March 8, 2011**

Chair Sturdevant asked the board members if they had information dated January 6, 2010 from the Pros. Office (David Folk) regarding outdoor wood furnaces. The Commission members asked for that information be copied and forwarded to them as well as information from Mr. Thorne on wind turbines dated 12/31/2009. Mr. Miller stated the Commission also needed to come up with a definition for multi-family housing. Zoning Inspector Witmer stated that the Pros. Office said that the definition of "Junk" needed to be revised. Also, the issue of fencing around pools and the distance that a fence would be required to be in relation to the flat ground around it needed to be addressed. Secretary Ferencz stated she had the definition book that the Dept. of Planning Services uses and would bring it to the Commission's next meeting to use for reference. Chair Sturdevant stated she would contact Mr. Thorne and the Dept. of Planning Services to see if they have any other information on these issues as well.


Chair Sturdevant stated at last night's Trustee's meeting it was brought up there was an issue with the two Westfield Township maps (one showing the areas of conservation/development and the other showing the floodplain.natural hazardous overlay district not matching in the UPCBGI Plan. An individual from the Committee stated that they felt it was just an error and would look at both maps and make any changes to correct accordingly. This would need to be addressed and finalized.


Mr. Miller stated there was also some issues about the percentage of open space in that Plan as well. It should read 20% open space excluding the floodplain. Chair Sturdevant stated Trustee Oiler would address this issue when the Plan came before the Trustees to review.

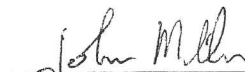
Having no more business before the Commission, Mr. Anderson made a motion to adjourn the meeting. It was seconded by Ms. Brewer.  
ROLL CALL- Anderson-yes, Brewer-yes, Miller-yes, Zweifel-yes, Sturdevant-yes.

The meeting was adjourned at 9:09 p.m.


Respectfully Submitted,  
Kim Ferencz-Zoning Secretary

  
Chairperson, Heather Sturdevant

  
Sue Brewer

  
John Miller

  
Kathy Zweifel

  
Scott Anderson