



Village of Johnstown  
Planning & Zoning Meeting Minutes  
Wednesday, May 9, 2018

**CALL TO ORDER:** Joe Ethier called to order the Village of Johnstown Planning & Zoning Meeting for Wednesday, May 9, 2018 at 6:37 p.m.

**ROLL CALL:** Pat Schlagheck; present, Matt Lyons; present, Sharon Hendren; absent, Joe Ethier; present, Mayor Benjamin Lee; present

**IN ATTENDANCE – STAFF:** Jim Lenner – Village Manager, Marvin Block – Village Council, Chip Dutcher – Village Council, Teresa Monroe – Clerk of Council

**IN ATTENDANCE – PUBLIC:** Sean Stanart, Terry Scovell, David Pontia

**APPROVAL OF MINUTES: April 24, 2018**

**Motion:** Mr. Lee moved to approve the minutes. Mr. Lyons seconded and the vote was as follows:

Pat Schlagheck; Y  
Matt Lyons; Y  
Joe Ethier; Y  
Ben Lee; Y

Minutes approved 4-0

**PUBLIC COMMENT**

1. Sean Stanart – 345 Buena Vista

- Asked what business is going into the old Troyer’s building. Mr. Lenner said there is a micro-brewery in where Goodies was and nothing in the front where Troyer’s was.
- Asked if staff was aware they are making exterior changes to the building. Mr. Lenner said he heard they were painting it.
- Asked if a Certificate of Appropriateness is necessary for significant exterior changes and have they applied for one giving this Board a say in what happens with the building. Mr. Lenner said only major changes and not that he is aware of. Mr. Stanart said they are covering the exterior facade with a metal material.
- Asked how many actual parking spaces are on the building parcel from the variance last week. (the Dr. Vargo building) Mr. Lee said the staff report said 19 striped parking spaces are available. Mr. Stanart asked if all of those spaces were on that particular parcel. Mr. Lee said the packet picture looked as if 19 spaces would be assigned to the property boundary as it was copied from the County Auditors site.
- Asked what the previous use of the building was, before Dr. Vargo and Physical Therapy. Mr. Lenner said Trillium was in there for office space.
- Asked did the prior use meet the parking spaces per the code. Mr. Lenner said he did not know.
- Asked if an existing building changes its use, is it required to meet all, some, or none of the new code requirements. Mr. Lenner said all requirements would need to be brought up to code.
- Mr. Stanart asked did something change with the building or zoning code that does not allow this building to be used for the prior use of office space. Mr. Lenner said not that he is aware of.

- Asked how the neighboring properties were notified of the variance. Mr. Lenner said the notice was hand delivered to Lash, and he thinks the others may have been sent certified to the address on record. Mr. Staneart asked if he could confirm whether the notice was sent certified to Heartland Bank, Mr. Lenner said no but he could find out. Mr. Staneart asked how the notices are required to be sent out, Mr. Lenner said certified mail. Mr. Ethier said he would like to know why Sean is asking these questions; Mr. Staneart said he is trying to get a basis point to know what is consistently required for any developer that would come in, for consistency.

There were no further comments from the public; Mr. Ethier closed public comment.

**Motion:** Mayor Lee asked for a motion to amend the agenda switching number six Buffer Ordinance draft with number seven Property Maintenance Program draft. Mr. Ethier moved; Mr. Lee seconded and all were in favor 4-0

### **BUFFER ORDINANCE DRAFT**

The Buffer zone legislation draft was included with the packet. Mr. Lenner said this would add section 1184 titled Agricultural Buffering and Mitigation; this draft has been to village legal counsel for review but edits as recommended have not been completed as of yet. Mr. Lenner reviewed some highlights of the draft and said it takes a lot of things into context including soil types and the urban receptors of what is being created versus what exists in the agricultural zone next door. This also goes into a requirement for a Conflict Assessment and Mitigation Study (CAMS) requiring the developer to evaluate what type of uses are surrounding the development, what kind of activities are taking place on the properties, what kind of agricultural use is it and supplying those findings to Planning and Zoning and Village Council.

Mr. Lenner said as directed by the Board, this will be a stand-alone ordinance rather than a separate Zoning District and a requirement for any new development bordering agricultural use. The Board should give consideration on whether to require the CAMS, also to give clarification on the width of the buffer and to the plant material, tree types and heights required within.

Marvin Block brought up a study mentioned in Mr. Pontia's Buffer Zone presentation that pesticides have been found up to three hundred feet from farm ground. Mr. Lyons said he hasn't seen that study and it is not known what type of pesticides those were, how it was applied or what the barrier was and that ultimately that will be the ticket... what the barrier will consist of. Mayor Lee said he was happy to see wind pattern information being a requirement of the study; it could drastically change the width, type and intensity of the buffer that would be required.

There was discussion on maintenance of the buffer; Mr. Lenner said it would be the responsibility of a Homeowners Association (HOA), Mr. Lee asked if that was written in, Mr. Lenner said we require HOA documents to be reviewed by us so we would ensure it is in there and it would be in the restrictive covenant and recorded. It was also noted that it would be required that the buffer is a stand-alone, open space parcel, not privately owned with multiple parcels. Mr. Lenner's recommendation is to remove Mid-term Mitigation Area (page 17, F1) from the ordinance draft; there was discussion on scenarios of the next adjacent property developing and how it would be foolish to rip out a well-designed buffer with many years of growth. Mr. Lee said he would be ok taking out the Mid-term Mitigation, that he would hate to see someone invest money into a green space area only to take it out.

Mr. Ethier opened public comment on the ordinance draft.

1. David Pontia – 5760 Johnstown-Alexandria Road

- Asked, as it relates to the WLCA, if the buffer zone would be considered part of a requirement for a conservation design or would that be a separate entity needing to still work within parameters to create this condensed housing area. Mr. Lenner said in his opinion he thinks the buffer could be within the required open space of a conservation development.
- Brought attention to Passive Use section (page 1, B 2b) and recommends removal to simplify as it is not a big impact.
- Brought attention to the wording in Runoff section (page 3, C5) and said Ohio law says the downstream land has to accept the water but you cannot create an adverse effect. Mitigation suggests lessening the impact but he states the adverse effect cannot be created at all.
- Said he wasn't sure if Ohio had a Natural Resources Conservation Service (NRCS) (page 6, 3) Mr. Lenner said they do.
- Gave thoughts on Trespass-Inhibiting Hedges (page 17, E) saying he does not see a definition of what that is; hedges take time to grow and be effective. There was discussion on creating an acceptable plantings list; Mr. Pontia added that the plants should not be harmful to livestock.
- Potential removal of Method of irrigation (page 6, 2a) and add a section to say all plantings must conform to the acceptable plantings list.
- Reword "urban growth boundary" (page 5, A1)

There was further discussion of Figure 1. Illustration of Tree Buffer and Setback Options (pages 11-12); front and rear setbacks, structure positioning relative to the buffer and roadway, incorporation of existing trees and foliage how to determine what should be saved along the buffer border and water runoff.

Mr. Lenner reviewed, will make the edits to the draft and bring back to the Planning and Zoning Board at the May 22, 2018 meeting.

**PROPERTY MAINTENANCE PROGRAM DRAFT**

Some edits were noted from the previous review; Mayor Lee asked if the draft should reference current ordinances already in place. Mr. Lenner said the only reason he does not want to is because if the ordinance changes, the cross reference would be jeopardized. Other minor edits were discussed and noted. There was discussion on public notification of this maintenance code; posts will be made on the Village website, social media and on the water bills.

**Motion:** Mayor Lee moved to send the draft to Council for consideration with amendments as discussed and potential edits from the Village Law Director. Mr. Ethier seconded and the vote was as follows:

Matt Lyons;	Y
Joe Ethier;	Y
Ben Lee;	Y
Pat Schlagheck;	Y

Passed 4-0

**ZONING INSPECTOR REPORT:** April 2018; attached to these minutes.

**OTHER BUSINESS:** None

**ADJOURNMENT**

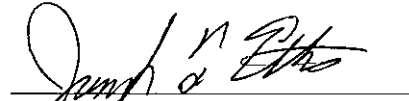
There being no further business, Mr. Ethier moved to adjourn; Mr. Schlagheck seconded and all were in favor, motion passed 4-0.

Thereupon, the meeting adjourned at 8:29 p.m.

Respectfully submitted

  
Teresa Monroe, Clerk of Council

APPROVED AS PRESENTED

  
Joe Ethier, Chairman



## April 2018 Zoning Inspectors Report

### April 1 through April 15, 2018

Concord Crossing East Neo Traditional lots, Bill Westbrook the new owner of the remaining 19 lots called and asked the question who is responsible for the Hillbrick Alley at the rear of the Neo style homes. The alley is a dedicated street and the Village is responsible for street maintenance and plowing.

313 Bottecchia the fire hydrant in front of this new Schlabach home had to be relocated. The new location was approved prior to construction. Layton did the work for Schlabach.

I have received numerous calls from people interested purchasing lots in Concord East.

79 Pratt talked with the renter he contacted me after receiving a certified letter about his 50 chickens, ducks and rabbits. He said they would all be gone with the exception of keeping six chickens and a few rabbits, all should be removed on April 26. Update: this did not happen the animals are still there. I sent a certified letter to the property owner notifying him this situation needs his immediate attention.

300 and 326 Green Acres and 217 Blueberry Hill inspected and approved forms for pouring sidewalls and driveway approaches.

738 W Coshocton received a phone call about applying for a reduced parking variance for this property.

Hopewell and Troyers; both of the newly completed construction projects have leftover engineering funds, reimbursement checks were cut and hand delivered to the two businesses.

361 Meadow Ln the property owner called to discuss widening his driveway and later brought in a drawing of the project.

326 Green Acres Drive issued a temporary occupancy permit. The driveway, landscaping, final grade and connectors are not completed.

395 Buena Vista this is a new house and the AEP transformer sets in the front yard, after the lot was graded the transformer now sets in a hole. The property owner has been

unsuccessful trying to get AEP to raise up the transformer. He ask me for suggestions on resolving the issue.

285 Oregon issued a deck permit for a front porch replacement unattached < 200 square feet wood/trex deck. Inspected the post holes and went back a week later and approved the framing.

154 Valleyview issued a fence permit for 4' to 6' privacy fence.

Bigelow dead-end safety concern: the safety barriers we requested from Pulte to be placed at the end of the street were both knocked down and one had been ran over. Update: they have now been replaced.

738 W Coshocton received payment for the reduced parking variance, the newspaper ad was placed in the Advocate, contiguous certified letters were mailed.

CRC Metals at 29 Greenscape issued the zoning permit to allow the project to move forward with engineering.

128 Parkdale had a discussion with the homeowner about building a 42" fence around the property.

298 Central Station issued a deck permit for a 420 square feet deck that will require an L County permit and inspections. This deck is being built around a partially in ground pool.

Questioned the staff manager at Dr. Vargo's office and the manager of the Heartland Bank to find out if they have any current parking problems with the amount of available parking spaces in use between the two businesses. This information was needed prior to writing the staff report for a reduced parking variance to allow another medical provider to lease the remaining empty space at 738 W Coshocton.

129 E Coshocton contacted the property owner again about improving the parking lot. I notified him that we could not issue the zoning permit for the proposed microbrewery at this location until we had a commitment to pave the lot. Update: the lot will be paved on May 10 and the outside of the building is being wrapped in new finished metal siding.

Bike Trail received a complaint about a large pothole new the Trestle bridge. The Village service department repaired the hole.

Concord Crossing East discussed the bike trail connector between Fondriest and the trail with the Schlabach Superintendent. The fill dirt for the ramp has been installed and will not be blacktopped this year. The ramp needs to be widened to allow for an eight feet wide paved path.

Emailed Sarah Wallace President of the Evans Foundation to update her on the Concord Crossing East trail connection. Sarah called me; she was confused about the proposed Concord Trails development and had been given some bad information. We discussed both the Concord East and Concord Trails proposed bike trail connections. She was in agreement with the plans for both. Her comment was "Dad wanted the bike trail connected to new housing developments that would make him very happy".

ATF received another call from DJ Walters an ATF agent making an inquiry about a property; it was not in the Village. The applicant has applied for a Federal Arm Sales permit.

233 W Coshocton St met onsite with the Inglefield property owner represented John Gordon and Roger Kessler owner of Kessler Sign. We met to discuss the location of a new monument sign and the removal of their existing pole sign. The sign change is a result of the planned new center turning lane project scheduled for 2019. The plan is to use a "V" shaped sign due to its location on the slight Coshocton St curve.

### **April 16 through April 30, 2018**

Three new Maronda building permits were issued.

215 Blueberry Hill Rd value \$311,075

216 Blueberry Hill Rd value \$311,075

335 Green Acres Pl value \$377,440

44 N Main received a complaint about overflowing trash cans that had not been emptied for months and a washing machine setting with the trash. After contacting the property owner and Teresa contacted Local Waste the issue should be resolved with the next trash pickup.

Discussed the proposed Mastodon trail project with a contractor bidding on the project. He has also installed trails for Dawes Arboretum. He is proposing to build a 120 foot ADA ramp connecting it to the blacktop trail. This would be required.

Met with a farm owner who owns property on Caswell to review water related problems his property experiences now from Johnstown's storm water runoff. He is very concerned about future development and how it affects his property. We discussed possible solutions.

142 Pratt St received a zoning application to allow the 28' x 80' lean to style addition with a shed roof to be built onto the rear of the existing building. The zoning district is LM and surrounded by LM with GCC1 to the rear of the property. With the addition a

storm water runoff plan is required and the remaining parking lot to the side and rear of the building will require paving.

32 E Coshocton issued a zoning permit to TJ Dog Grooming to allow a professional dog grooming, training, day care and some dog boarding business to open sometime in June.

381 S Main the property owner is replacing a chain-link fence with a privacy fence.  
Pending

217 Blueberry Hill Rd. issued a temporary occupancy permit; driveway, landscaping and connectors are not completed.

Concord Crossing East HOA board member called to discuss missing dandy bags on Fondriest allowing silt into the storm sewer. I contacted the Schlabach superintendent and he replaced the bags.

Picked up numerous yard signs throughout the Village this month at least 25.

Received and distributed prints for the new Ohio Pack addition.

323 Fondriest issued permits for another Schlabach new home value \$264,000.

Met with a design consultant that is working with CT Consultants to design a street light program and specifications for the Village.

Pulte is requesting the Village approval to install a temporary sign advertising their new development. They want the sign on the corner of Bigelow and W Coshocton. This property is owned by Plaza Properties. They need Plaza Properties permission to allow the sign and then they will need to file a Variance for an off premise temporary sign.

129 E Coshocton we allowed a food truck to operate for two days. The request was made by Thorpe Automotive Repair. As a special event for his new business and as a thank you to the community. I explained that food trucks are only allowed to operate for special events, limited to four times per year for a business. The following week the food truck was set up in the parking lot of the East Coshocton Angels Persist Thrift Store. After talking with the Food Truck business owner in Sunbury by phone several times I ask him to remove the truck and he cooperated. This is an issue we need to address by drafting an Ordinance listing circumstances that allow food trucks to operate within the Village. For a small town, Food Trucks can be considered determinable to existing restaurants in the community. There is also a measure of inspections that are necessary to control the quality, safety and cleanliness of a portable food business.

We need to establish a permit process to allow them to operate once the vendor has proven his truck has a County License and has passed both food safety and fire inspections at the County level.



231 Commerce received the civil prints for the new Ohio Pack addition and distributed them. We also received a check to cover the estimated engineering costs.

6 Westview the property owner started fencing in his property last fall, a permit was issued and the postholes inspected. I received a complaint about the unfinished project. I contacted the property owner and he has hired a person to finish the fence. Work has started again.

298 Central Station inspected the postholes for a new deck surrounding a partially in ground pool. I did this on Sunday; they wanted to set the posts to meet their schedule.

O'Reillys landscaping plans, we were asked to allow several changes from their original approved plans. The changes requested were approved after investigating the unavailability of the size trees and plants that were originally approved.

169 E Pratt the property owner complained about her flooded yard and her neighbors. I inspected the area and then met with the manager of the School Bus Transportation Co. There are multiple problems related to the Village storm sewer that runs underneath the building. Pending

48 N Kasson received a complaint that the property renter was open burning, tree limbs, insulation, pallets and trash. Per the complainant there was a very large fire recently JFD was called and they put it out, this is required by law. The yard has another very large pile of pallets and tree limbs staged to burn. There is also a pile of concrete, broken concrete blocks and debris from a tear out. I sent a certified letter to the property owner, open burning is not allowed and the property needs immediate attention. He was given seven days to get it cleaned up. Pending

217 S Main there is a small pile of scrap fence wood at the side of the property on Jersey at S Main. I have contacted the homeowner twice and suggested ways to get rid of it. Pending

Met with another member of the Concord Crossing East HOA to discuss the front entrance to the project and their landscaping plans.

262 S Oregon issued a shed permit and went to the house.

Pulte Temporary sign update. Pulte received permission from Plaza Properties to put up their sign for the new development. Pulte has filed a Variance to allow an off premise sign. The Variance will be heard on May 22.

625 W Coshocton met with a team working on the McDonalds remodel project. They showed me a basic design of what they would like to do. I notified them that we will require them to install a sidewalk to connect the new Hopewell walk to the Village

blacktop multipurpose walk at Bigelow and W Coshocton. The building exterior and signage will be redone. The McDonalds Corp will ask to keep the McDonalds Golden Arch sign.

111 Kasson St approved a zoning permit to allow a 24' above ground pool. The yard was recently fenced in with a privacy fence that has a lockable gate.

Jim Blair