

Chester Township Zoning Commission Meeting Minutes

| Wednesday, August 16, 2023 7:00 PM |

Meeting Called to Order by Mr. Lauro at: 7:02 pm

Members present: Mr. Chess, Mr. Kats, Mr. Lauro*

Members absent: Mr. Oswick, Mr. Nastasi, Mr. Peto

Admin present: Ms. McCarthy

*Mr. Lauro served as acting Chair for this meeting

Pledge of Allegiance

Mr. Lauro led the Committee in reciting the Pledge of Allegiance.

Public Hearing for Proposed Chester Township Zoning Amendment Z-2023-1

Mr. Lauro gave an overview of the proposed amendment which was initiated on July 19, 2023. The amendment was noticed and transmitted to the Geauga County Planning Commission. The recommendation letter to approve the amendment from the Geauga County Planning Commission (GCPC) dated August 8, 2023 was read aloud by Ms. McCarthy. Mr. Lauro read the proposed amendment aloud. The floor was opened to public comments.

Ms. Ven Paoletto questioned the use of the word “morals” in the amendment. Ms. Paoletto suggested the word morals is a personal, individual thing. When asked for a suggestion for a change, none was offered.

Ms. Jamie Saric asked if this amendment would alleviate the BZA power?

Mr. Lauro said it is not to alleviate power, rather it clarifies to the BZA their ability to add conditions which are not already in the Zoning Resolution.

Group discussion about “morals” continued as to whether the word should be included.

Ms. Saric asked the ZC Board for clarification that the proposed amendment would limit the ability of the BZA so they cannot arbitrarily add conditions of things that are not already in the Chester Zoning Resolution. The ZC Board confirmed the statement.

The Board agreed that the word “morals” may be looked at again by the Board of Trustees.

Mr. Bart Ziganti asked about how the members of the BZA would be able to conduct their duties. He explained the role of the BZA and their efforts to reduce any requested variances requested. One of the tools that the BZA has is the ability to make supplementary conditions. He offered two examples. One of a homeowner who built a shed at the bottom of the hill from his house without a variance that he did not know he needed. The BZA offered the solution of live screening so the building was not as visible to the members of the neighborhood.

Another example was Word of Grace requesting a sign that did not meet zoning requirements. The BZA offered to approve the sign as long as some other issues that had been identified by the Zoning Inspector were dealt with. For example, the pool needed a secured gate.

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His concern was the BZA would now need to go into the Zoning Resolution and determine there is an area in the Zoning Resolution which allows the supplementary condition.

Mr. Lauro said he was correct.

Mr. Ziganti said this places an extra burden on the BZA to go find those conditions. Currently, the BZA offers suggestions which are reasonable and not in conflict with the Zoning Resolution.

Mr. Lauro agreed with him and offered that the existing amendment only tightened up the parameters that were already in place. It did not add more restrictions.

Ms. Saric asked if the parameters would be looked at.

Mr. Lauro said the parameters are always to be looked at. Any recommendations from the BZA to add more parameters would always be considered.

Mr. Kats asked if the BZA approving a sign as long as the pool was fixed would be permissible, even though it has nothing to do with a sign.

Mr. Ziganti said, his question had not been answered and wanted to know what was driving this change.

Mr. Lauro said on May 4th a letter was received from the Geauga County Planning Commission suggesting this change be done and our ZC reviewed it and decided it should be changed.

Mr. Ziganti asked why a listing isn't being defined for supplementary conditions the BZA can put forward in a supplementary request for a variance.

Mr. Lauro suggested Mr. Ziganti and the BZA members produce a list and submit it to the ZC for consideration.

Mr. Kats read a reference of Powerall v. Chester Twp. from 1983 and confirmed to Mr. Ziganti that he was correct. This amendment is designed to clarify limitations the BZA can put on variances. We are doing this to keep in line with the other townships.

Mr. Ziganti said, so you're saying the BZA will not be able to offer supplementary conditions? That is what a former prosecuting attorney had said.

Mr. Kats asked if he had that in writing.

Mr. Chess asked why the BZA couldn't just change. His concern is that we are acting on what the Geauga County Planning Commission suggested.

Mr. Kats thanked Mr. Ziganti for his comments and said the ZC Board would take them under consideration.

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Ms. Paoletto asked about the action other Geauga townships have taken on this suggestion. She suggested that the other townships acted accepting the proposed variance as it seemed reasonable.

Mr. Ziganti asked the board if they were aware of the Bainbridge changes to the variance?

Mr. Chess said yes, we were aware of that information and decided to keep the original suggested variance from the GCPC.

Mr. Ziganti read the Bainbridge Zoning Resolution, section 117.14 into the record which was what he suggested be made as a change. Bainbridge is keeping the phrase, "which are not in conflict with".

Mr. Chess suggested he was not comfortable with adopting the phrase, "which are not in conflict with" as the ZC members who were present at the August 2, 2023 meeting were not in favor of using that phrase.

Ms. Saric suggested looking at what other Geauga townships are doing with this proposed amendment?

Ms. Paoletto suggested Chester Twp. is independent of other Geauga County townships and we should act on our own Zoning Resolution independently.

Mr. Lauro asked if there were any other comments, there being none, the Public Comment section of the meeting was closed.

Motion to close the public comments for proposed Chester Township Zoning Amendment Z-2023-1.

- Moved by Mr. Chess; Seconded by Mr. Kats
Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/absent;
Mr. Peto/absent

During this conversation, the ZC Board discussed deleting the word "morals" from the proposed amendment. Ms. McCarthy was asked to forward that information to the Board of Trustees that the ZC Board did not have a strong opinion on this and looked to the Board of Trustees for direction.

Moved to adopt, "That the Chester Township Zoning Commission recommend the approval of the proposed amendment, Z-2023-1, to the Chester Township Zoning Resolution, as attached hereto." (Form No. 31)

- Moved by Mr. Chess; Seconded by Mr. Kats
Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/absent;
Mr. Peto/absent

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Moved to adopt, "The Chester Township Zoning Commission hereby submits the attached recommendation on the proposed amendment, identified as number Z-2023-1, to the Chester Township Zoning Resolution together with the attached motion pertaining thereto and the attached recommendation of the Geauga County Planning Commission to the Chester Township Board of Township Trustees this 16th day of August, 2023." (Form No. 32)

- Moved by Mr. Chess; Seconded by Mr. Kats

Mr. Chess/yes; Mr. Kats/yes; Mr. Lauro/yes; Mr. Nastasi/absent; Mr. Oswick/absent;
Mr. Peto/absent
Motion approved

Forms 31 and 32 were signed.

Approval of Minutes

- Motion to approve the minutes of August 2, 2023 – Tabled due to lack of quorum

Meeting Called to Close at: 8:02 pm

Approved by:

Chester Township Zoning Commission September 6, 2023

Final Review by: _____
Jon Oswick, Chair

AUDIO RECORDING ON FILE