

Chester Township Zoning Commission Meeting Minutes

| Wednesday, October 16, 2024 7:00 PM |

Chester Town Hall

Audio Recording on File

Meeting Called to Order by Vice-Chair, Mr. Lauro at 7:30 p.m.

Members present: Mr. Chess, Mr. Kats, Mr. Lauro, Mr. Minello*(Alternate - serving as a voting member), Mr. Peto

Members absent: Mr. Oswick

Zoning Inspector: Mr. Alusheff

Admin present: Ms. McCarthy

Pledge of Allegiance

Committee recited the Pledge of Allegiance.

Approval of Minutes

Motion to approve the minutes of September 18, 2024 as presented.

Moved by Mr. Peto; Seconded by Mr. Chess

Mr. Chess/yes; Mr. Kats/abstain; Mr. Lauro/yes; Mr. Oswick/absent; Mr. Peto/yes

Motion approved

Board of Trustees Motion # 2024-400 - Discussion

Consideration/discussion given to rezoning the following parcels from Residential to Industrial:

11729 Chillicothe is Parcel Number 11-189700

11767 Chillicothe is Parcel Number 11-714400

11797 Chillicothe is Parcel Number 11-088600

This is the old Fire Station #2 property and the two adjacent properties to it. The Zoning Commission is requesting a summary from the Board of Trustees on why this might be a good idea.

Mr. Peto indicated that the three parcels would lend themselves to be rezoned Industrial when considering the other properties adjacent to these. Board considered existing zoning map. The property to the north is being used as an Industrial property – not sure why. The property to the south is a home and being used as a residence. The owner is concerned that if the old Fire Station property becomes Industrial, their property would not be desirable as a residential home. Changing to Industrial allows the current owner to stay there as long as they wish and sell as Residential or Industrial. (To the south of that property is a driveway for a church and would be a built-in buffer.)

Group discussed permitted uses in the Industrial District.

The Zoning Commission would like to continue this conversation once the ZC Chair is in attendance and the liaison for the Board of Trustees is available. Target meeting date is November 6th.

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Chris Alusheff, Zoning Inspector – Open discussion

- Real estate sign size in Commercial, Industrial, Shopping Center district
 - Current regulation allows 6 square feet.
 - Consider allowing a larger sign.
 - Andy Chess said the standard size of a real estate sign is 4' x 4'. Only one sign is most desirable.
 - Sign abuse within the commercial district was discussed. Options to better control were discussed and need to be added to a future amendment.
 - We want to support businesses in Commercial and this may help reduce vacancies.

Summary of BZA hearing for ZA-2024-10 larger accessory buildings from October 14.

Mr. Kats mentioned all hearings at the BZA meeting on October 14, 2024 had to do with size of building. Clearly it's the number one issue. Concern is that the person was denied approval of his variance request for a 4,000+ square foot building. Biggest issue was lean-tos he wanted on his building. Concern is that this request is not affecting other people.

One of the persons in the Public Comment portion of that meeting suggested that he should be denied because the larger garage was not a hardship, it was a want. Building would have kept items out of sight that people don't want to see. Lean-tos is a very big concern that the Zoning Commission should take a look at.

Mr. Alusheff confirmed that our prosecutor said this was an Area variance, not a Use variance. If it's under a roof, it counts as square footage whether it is enclosed or not as confirmed by our prosecutor. Perhaps the Zoning Commission should consider looking at size of accessory buildings again. His hardship is that he is paying to store his stuff at another place.

Zoning Commission will review old Accessory Building amendment and consider reinitiating it. Will also take a hard look at lean-tos. Look at lot size for regulating size of accessory building. % of lot size was a consideration in the past. Mr. Alusheff reiterated the importance of a current Land Use plan. Approximately half of the applications that go to the BZA are dealing with Section 5.01.03.

Board of Trustees Motion #2024-407

The Board of Trustees is expected to initiate an amendment regarding the size of attached garages on October 17th. Expect this amendment to be coming forward soon.

The Zoning Commission would like a meeting with the Board of Trustees – or one of their representatives to discuss the attached garages amendment.

Determined to meet October 29th to receive amendment. Need to have ZC Chair confirm his availability.

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Discussion on Cancellation of October 2nd ZC Meeting

Board concerned on how entire Board did not understand why October 2nd meeting was cancelled. As the secretary had received responses from two of the five members being able to attend, meeting was cancelled due to lack of quorum. To insure this misunderstanding does not happen in the future, members will not receive text reminders. Meetings will continue to be posted on Outlook calendar. Chair will be only person to cancel a meeting.

Public Comments

Mr. Ziganti brought up additional comments on ZA-2024-10. There was a BZA training session in December, 2023 that gave direction on how this case was to be heard. Hearing was sidetracked by owner's business being a SnapOn Truck. Meeting was also sidetracked on discussion of lean-tos. BZA Board members had different views on how to look at lean-tos. Home owner was given the option of eliminating the lean-tos. He was not interested in doing that. Four persons spoke during the hearing. Two were for the variance and two did not support granting the variance. (Mr. Kats disagreed with this comment.) It all surrounded the fact that there was no practical difficulty shown.

Mr. Ziganti asked the ZC Board to look at Section 5.01.03 being broken out into more sections. He felt that it would better serve residents. Had there been different sections of the Zoning Resolution, residents may have been able to request two variances giving the BZA the opportunity to grant one variance and not the other. Rather than the entire requested variance being denied. That individual would have gotten at least part of their request.

Mr. Kats, can we agree that some of the board members who had said lean-tos are not allowed were incorrect in their opinion?

Mr. Ziganti said that had they moved forward, I would have asked for a continuance to address this issue.

Mr. Kats was concerned that the one BZA member may have swayed other BZA members and that perhaps the BZA should reconsider their decision instead of making the appellant spend thousands of dollars on an attorney to fight this and sue the township.

Mr. Ziganti – Not sure why we do not have a definition for lean-tos in the Zoning Resolution. The offer was made for the appellant to consider presenting a structure of 3,072 square feet (without the lean-tos) which would have been a 23% variance request instead of an 84% variance request (with the lean-tos).

Meeting Called to Close at: 9:28 p.m.

Approved by:

Chester Township Zoning Commission November 6, 2024

Final Review by: _____
Jon Oswick, Chair