

## Zoning Commission

1 **Rezoning Application #ZON-17-10**

January 25, 2018

2  
3 **Rezoning Application #ZON-17-10, North Orange Development LLC**, Requesting an amendment of  
4 the currently effective development plan for three (3) parcels, totaling 20.59 +/- acres, within the North  
5 Orange Single Family Planned Residential (SFPRD) District and North Orange Planned Commercial &  
6 Office (PCD) District, approved under application #10747 and #15634 of Planned Communities to a  
7 Single Family Planned Residential (SFPRD) District. The subject properties are currently owned by  
8 North Orange Development LLC. The area being amended consists of permanent parcel number 318-230-  
9 02-007-007, 318-230-02-007-000 and 318-230-02-011-000.

10  
11 The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio  
12 43035.

13  
14 Mr. Duell called the meeting for Rezoning Application #ZON-17-10 to order at 7:00 p.m.

15  
16 Mark Duell, Christine Trebellas, Todd Dove - absent, Roy Wilson, Dennis McNulty

17  
18 Township Officials present:

19  
20 Michael McCarthy                      Township Counsel  
21 Jeff Beard                                Zoning Inspector

### 22 23 **MOTION TO RETURN FROM RECESS FOR REZONING APPLICATION #ZON-17-10**

24  
25 Ms. Trebellas made a motion to return from recess for Application #ZON-17-10, North Orange  
26 Development, LLC; seconded by Mr. Wilson.

27  
28 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Wilson-yes, Mr. McNulty-yes

29  
30 Mr. Duell: We are here to consider stipulations for Grande Point at North Orange. We had the first  
31 hearing, had a number of comments, and this meeting is to make sure they are memorialized correctly and  
32 there is nothing else that needs to be added before we give the instructions formally to the applicant.

33  
34 Mr. McCarthy: These are points raised by the Zoning Commission, issues raised by the public, and issues  
35 that were on the review list I prepared. If the Commission has any comments, additions, deletions,  
36 modifications, those will be made. The applicant is welcome to discuss any of them thru the Chair.

### 37 38 **Comments**

- 39  
40 1. Eliminate use of words such as “concept,” “conceptual,” “preliminary,” “proposed,” “illustrated,”  
41 “guidelines,” “proposes,” “guide” and “examples” throughout the submittal and Exhibits, substituting  
42 language indicating a definite title, statement, reference, restriction or standard.  
43  
44 2. Provide documentation that placement of the “proposed” dry basin within the easement area is  
45 acceptable to the easement holder.

46  
47 Mr. Duell: Which is the one under the power line.

- 48  
49 3. Indicate the location of the clustered mailboxes and related parking in the Development Standards  
50 Text and on the Exhibits.

51

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52 Mr. Duell: This is the first application I've dealt with that has clustered mailboxes. You say the Post  
53 Office is requiring that but we've got another application that I don't recall seeing clustered mail-  
54 boxes in.

55  
56 Kirk Ridder, Grand Communities, 3940 Olympic Boulevard, Erlington, KY, we need to get ahold of the  
57 Post Master still. We've seen it in other jurisdictions and municipalities throughout Ohio, so we're  
58 taking a pro-active stance.

59  
60 Jason Wisniewski, Grand Communities, 3940 Olympic Boulevard, Erlington, KY. They have been come  
61 after us after the fact, refusing to deliver mail to our homeowners, even happening in a community that  
62 had all curb side mailboxes. We put one new section in in Jefferson Township and had to fight the fight  
63 because residents weren't getting their mail, and we've got 2 other communities going in where the Post  
64 Masters are enforcing it.

65  
66 Mr. Duell: You may want to check with ours because we haven't seen it in Orange, so if we don't have to  
67 do clustered mailboxes, it might save you a headache.

68  
69 Mr. Ridder: Our preference is not to do it.

70  
71 Ms. Trebellas: And my preference is not to have them, so please clarify that.

72  
73 Mr. Duell: If the Post Office requires it, the Post Office requires it but I haven't seen it before.

74  
75 M. Wisniewski: The order actually came out in 2012 but they never enforced it, so we kind of  
76 ignored it. All of a sudden specific Post Masters are enforcing it and putting us in an awkward  
77 position, saying the builders should have known, and then the customer comes after us, so we're trying to  
78 be pro-active. We think it's ridiculous too.

79  
80 Mr. McCarthy: Do we want to consider modifying Number 3 to either indicate the location on the plans  
81 or delete the same with some correspondence from the Post Office.

82  
83 Mr. Duell: Say confirm with the Post Office regarding the mailbox issue.

84  
85 Mr. Ridder: We're concerned that if we take it out and the mailboxes are ok right now but in 2 or 3  
86 months after we start development, they come back and say you have to.....

87  
88 Mr. Duell: We can put in language that there will be mailboxes for individual homes unless  
89 otherwise required by the Post Office.

90  
91 Mr. McCarthy: And that would require that the area for the boxes and parking be on the plan.

92  
93 Mr. Duell: That would just go unused if it ends up not being necessary.

94  
95 4. As to all aspects of the development plan, minimize/limit/reduce the number and extent of  
96 divergences requested and maintain Township standards complementary with the rest of the  
97 community.

98  
99 Mr. Duell: Instead of a blanket divergence for the entire thing, we prefer you identify why it's  
100 necessary. Some of yours might end up being kind of blanket given the nature of what you're proposing  
101 and the limitations of the property as we've discussed, to the extent that it's not required on all lots..  
102

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103 Ms. Trebellas: But just certain lots.

104

105 Mr. Ridder: We can provide better definition.

106

107 5. In the submittal, indicate what steps, if any, have been or will be taken to preserve the creek and trees  
108 along the northern property line (e.g., easements, etc.). Also indicate what actions, if any, can/will be  
109 taken regarding the removal and replacement of the dead ash trees stated to be in this area.

110

111 Additionally, label all wetlands on the Exhibits.

112

113 In the Development Standards Text, provide that, prior to construction activities in any phase,  
114 jurisdictional areas and open spaces shall be delineated with a 42" height orange construction fence  
115 which shall be maintained during construction and until occupancy occurs.

116

117 Ms. Trebellas: Can we add the normal disclaimer for wetlands and waterways, that they get appropriate  
118 permits from Delaware County, Ohio EPA and the Army Corps of Engineers as needed?

119

120 Mr. McCarthy: Unless there's an objection, I'll add that. And the construction fence has been used pretty  
121 successfully in those areas that you are preserving to keep people from accidentally running in, so that's  
122 the purpose of that item.

123

124 Mr. Ridder: Is that like our silt fence or erosion control?

125

126 Ms. Trebellas: That is somewhat different. That is so a backhoe doesn't accidentally encroach into the  
127 trees, woodlands or vegetation area. The silt fence is along the waterways to make sure construction  
128 runoff doesn't end up in your creek that flows into the Olentangy. Presumably the County or various  
129 entities interested in that body of water will require some sort of storm water protection measure.

130

131 Mr. Duell: We've had problems in the past where trees that were to be preserved, somebody runs a big  
132 piece of equipment back there and all of a sudden the trees are gone.

133

134 Mr. Ridder: So it's actually around whatever we're preserving?

135

136 Ms. Trebellas: The trees.

137

138 Mr. McCarthy: You're calling out open space; that would be your boundary.

139

140 6. In the Development Standards Text provide that, with the exception of work related to installation of  
141 the stream crossing, all ingress/egress to this development during construction shall be made using  
142 Corduroy Road and that the developer will employ all reasonable means (e.g, erection of appropriate  
143 signage, contractual establishment of a requirement with consequence, etc.) to encourage that such  
144 access be used.

145

146 7. On the Exhibits, clearly label the front, side and rear setbacks and public rights-of-way. As to corner  
147 lots, indicate which street face will constitute the "front." Additionally, depict all sidewalks on  
148 Exhibit D "*Proposed*" *Development and Utility Plan*.

149

150 Mr. McCarthy: And without the "Proposed" when it comes back.

151

152 8. On page 1 of the Development Standards Text, modify the response to Section 10.02 to indicate a  
153 request to rezone this property from a Planned Commercial and Office District (PC) to a Single

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154 Family Planned Residential District (SFPRD).

155

156 Mr. McCarthy: The Township views each separate plan as its own separate district rather than a  
157 Euclidean style blanket.

158

159 9. As regards the reduced sized versions of the Exhibits submitted in 22" x 34" size, please provide  
160 reduced versions sized 11" x 17", rather than 8.5" x 11".

161

162 10. Modify the second sentence of the reply to Section 10.03 b) to read: "Accessory buildings, accessory  
163 uses and other structures for the individual lots within the development shall be limited to decks,  
164 patios, pergolas, trellises, in-ground pools and temporary swimming pools not exceeding 60" in  
165 diameter and 3 feet in depth." Delete the third sentence.

166

167 Mr. McCarthy: At the last discussion you said this is going to be it and these are also going to  
168 be prohibited, which is a little inconsistent; that's the only function of that item.

169

170 11. Delete the requested divergence requesting that on-street parking be allowed to count towards the  
171 requirements of Section 10.04 b) 3) relating to Model Homes.

172

173 12. On page 8 of the Development Standards Text, in the fifth sentence of the reply to Section 10.06 b)  
174 3), delete "natural or man-made finishes." On page 9, in the sixth sentence of that reply, define  
175 "Natural Materials."

176

177 Mr. McCarthy: That's just the percentage required on the front, what are natural materials for that  
178 purpose.

179

180 13. On page 9 of the Development Standards Text, following the eleventh sentence of the reply to Section  
181 10.06 b) 3) [... minimum pitch of 6:12], begin a new paragraph regarding permitted colors and  
182 provide that these limitations shall apply to all exterior materials.

183

184 Mr. McCarthy: You go right from the roof to the colors and it's unclear if the colors only apply to the  
185 roof or all exterior materials.

186

187 In the thirteenth sentence regarding fencing, and throughout the Development Standards Text, delete  
188 any reference to content of the HOA Declaration as a standard or reference and eliminate any  
189 incorporation of the HOA documents, private deed restrictions, restrictive covenants, etc., as being  
190 required by, standards of, or part of, the Development Standards Text. Separately incorporate any  
191 proposed restrictions contained within these documents directly into the text.

192

193 Mr. Duell: The Township doesn't want to enforce any deed restrictions and HOA restrictions.

194

195 Mr. McCarthy: That also makes it easier for the Zoning Officers not to have to run back and forth from  
196 the restrictions to the text.

197

198 14. On page 9 of the Development Standards Text, in the reply to reply to Section 10.06 b) 4), provide  
199 that the color temperature of any exterior LED lighting shall be 2,700 to 3,000 Kelvin. Add the same  
200 language to the reply to Section 21.12 [Lighting Regulations].

201

202 Mr. Duell: That's just trying to eliminate blue LED's that tend to be somewhat brighter.

203

204 Mr. McCarthy: Consistent with the dark sky policies.

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- 205 15. On page 9 of the Development Standards Text, in the reply to Section 10.06 b) 6), identify the person  
206 or entity responsible for construction of all new streets.  
207
- 208 16. Provide a letter from the Orange Township Fire Department approving the construction of Harness  
209 Way in 2 phases and addressing emergency access in the period prior to its completion.  
210
- 211 17. On page 9 of the Development Standards Text, in the reply to Section 10.06 b) 6), provide that any  
212 variance by the Delaware County Regional Planning Commission resulting in a divergence from the  
213 standards of the Orange Township Fire Department shall only be effective if acceptable to and  
214 approved by the Fire Department.  
215
- 216 Mr. McCarthy: You might take the variance language out but that is the stipulation as I understood it.  
217
- 218 18. In the Development Standards Text, provide that all utilities will be underground except for electric  
219 and telephone pedestals and/or any similar appurtenances necessary to service the development.  
220
- 221 19. On page 11 of the Development Standards Text, clarify the language of the second sentence of  
222 divergence number 2 (regarding Lot Width) to be consistent with the reply to Section 10.07 c).  
223
- 224 Mr. McCarthy: They don't agree right now. 10.007 c) is what we discussed and you presented, so they  
225 need to be made the same.  
226
- 227 20. On page 20 of the Development Standards Text, in the reply to Section 10.07 h), provide a maximum  
228 lot coverage limitation. If divergence is sought, consider limiting it to the maximum extent possible.  
229
- 230 21. Clarify the apparent inconsistency between divergence number 3 on page 11 of the Development  
231 Standards Text (6' minimum side yard / 12' total side yards) and divergence number 5 on page 12  
232 (10' separation between principal structures). In all events, in the last sentence of divergence number  
233 5, delete "or whatever the requirement is per the Ohio Building Code." State the result in the  
234 Development Standards Text and Exhibits.  
235
- 236 Further, provide that there shall be no intrusion of any type into the side yard/separation area (e.g.,  
237 roof overhangs, chimneys, egress windows, bay windows, bumpouts, etc.). Ensure that the result is  
238 reflected in the Development Standards Text and on the Exhibits.  
239
- 240 22. On page 13 of the Development Standards Text, modify the last sentence of the reply to Section 10.06  
241 b) 14) d to read: "No parking will be permitted on cul-de-sac bulbs, except as otherwise provided by  
242 the cul-de-sac policy of the Orange Township Trustees." Make the same change as appropriate  
243 throughout the Development Standards Text.  
244
- 245 Mr. McCarthy: The current policy of the Township states there can be an application to permit parking  
246 provided that the asphalt diameter of the circle is at least 110'. Yours measured about 95'; I don't know  
247 what Regional Planning will do with it, so if you stay under 110', your original language can stand. If  
248 they want a bigger one and you agree, those folks could come before the Trustees and try to talk them into  
249 it. So far we've had one neighborhood do that out of the entire Township.  
250
- 251 23. Correct Exhibit F *Open Space Plan*, to utilize the open space classifications of Section 4.01 of the  
252 Zoning Resolution and eliminate the "*Maintained Passive /Active Open Space*" identifier. If  
253 deviation from a stated definition is desired, state the same in the Development Standards Text in the  
254 context of an additional provision of the applicable definition. In the text and on the Exhibit, as to  
255 each individual open space area, clearly indicate the classification of the open space and all

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256 improvements to be permitted therein.

257

258 24. Modify the last sentence of the fifth paragraph of the reply to Section 10.06 b) 14) h to read: “In  
259 addition, no Certificate of Compliance will be issued until the storm basin and all related drainage  
260 improvements have been completed.”

261

262 Mr. McCarthy: That latter part was added in.

263

264 25. On page 19 of the Development Standards Text, add the following to the reply to Section 10.07 b):  
265 “A resident of the development shall be appointed as a Board member of the HOA on January 1 of  
266 the year following the sale of 20% of the lots in the development.”

267

268 26. In the reply to Section 10.07 g) address the fact that lots 8 and 9 do not maintain a 35’ rear yard.

269

270 27. In the reply to Section 10.07 i), provide a maximum spacing between yard trees. Additionally,  
271 indicate whether corner lots will have 2 such trees, one along each street.

272

273 28. Completely redo Exhibit K, including the following:

274

275 (a) Delete all signage related to model homes. These will be dealt with during the BZA conditional  
276 use process.

277

278 (b) Provide exact details regarding the entry/monument feature, reducing its height and area.

279

280 (c) Provide details regarding any development related signage that is not intended to be permitted per  
281 Section 22.03 h).

282

283 Mr. McCarthy: I suggest you read this. It allows 4’ x 8’ signage for identifying the developer, name of  
284 development, the fact that it’s for sale, etc. That is simply, if the application were approved, a  
285 characteristic of the approved Development Plan by virtue of Article XXII.

286

287 (d) Provide exact locations of the requested entry/monument sign feature and development related  
288 signage that is not intended to be permitted per Section 22.03 h), doing so in accordance with  
289 Article XXII of the Zoning Resolution. Depict the same in Details added to the Landscape Plan.

290

291 (e) If lighting is to be used for a sign, provide that it shall be downlighting and conform to Article  
292 XXII.

293

294 (f) Remove the word “Guide” from the title of the Exhibit.

295

296 If divergences from Article XXII are requested, they should be listed individually in the reply to  
297 Section 10.06 b) 12), together with justifications therefor. A general statement of compliance with  
298 Exhibit K is not sufficient.

299

300 29. If walkout basements are to be included in this development plan, the following should be inserted on  
301 page 21 of the Development Standards Text, following the current reply to Section 10.07 l):

302 “Additional height may be permitted on the back of buildings where walkout basements are to be  
303 constructed.”

304

305 30. Complete and correct the Chart within Section 21.09 *Setback Regulations*, on page 29 of the  
306 Development Standards Text.

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- 307 31. On page 37 of the Development Standards Text, separate the Zoning Resolution template text of  
308 Section 22.01 *Purpose* from the relic language apparently obtained from the Enclave at Abbey Knoll  
309 application. Delete the relic text.  
310
- 311 32. In Exhibit M *Utility Feasibility Letters*, obtain a letter related to the availability of  
312 telecommunications service.  
313
- 314 33. Include references to Exhibits G (*Sidewalk and Path Plan*) and J (*Signage Location Plan*) in the  
315 Development Standards Text or delete them from the application.  
316
- 317 Mr. McCarthy: It would be preferable to actually include a reference in the text.  
318
- 319 34. Explain or resolve the acreage discrepancy between Exhibit A *Property Legal Description and Survey*  
320 *Boundary* (21.360 ac.) and the Exhibit C *Existing Conditions Plan* (21.04 ac.).  
321
- 322 35. Adjust the lot sizes/dimensions upon the various exhibits to enlarge Lot 12 (7302 s.f) and Lot 13  
323 (7998 s.f) to conform to the 8100 s.f. minimum lot area.  
324
- 325 36. Adjust the lot sizes/dimensions of Lot 2 to provide the required 60' lot width at the building line,  
326 rather than the 55' width indicated on Exhibit D "*Proposed*" *Development and Utility Plan*.  
327
- 328 37. Mr. McCarthy: I asked the Commission to verify this one carefully. My notes, the comments and the  
329 letter from Parks all seemed a little confused. Provide 5' sidewalks on both sides of all new public  
330 streets in lieu of the current indications. This does not include the front of the development along  
331 Gooding Boulevard.  
332
- 333 Mr. Duell: You had put in a path on one side; was that the Parks letter request?  
334
- 335 Mr. McCarthy: The Parks letter suggested that there be something on both sides; it wasn't clear. Have  
336 you had conversations with Ms. Hugh?  
337
- 338 Mr. Ridder: Yes. Jason, myself, Michele and the Parks Director had a conference call, and we agreed to  
339 put sidewalks on both sides except for the area where the 3 lots are at the front across the street, we  
340 wouldn't have to put sidewalk on that side. There are no lots on there and it's not really doing anything.  
341
- 342 Mr. Duell: Just make sure that section is referencing, complies or agrees with your conference call.  
343
- 344 Mr. Ridder: Michele followed up with a letter that outlined our conversation.  
345
- 346 Mr. McCarthy: Where weren't they requiring it; just in front of Lots 1-3?  
347
- 348 Mr. Ridder: On the other side of Lots 1-3, where the commercial parcel is. There will still be sidewalk in  
349 front of Lots 1-3 that connect to Gooding.  
350
- 351 Mr. McCarthy: The property across the street isn't part of your application anyway.  
352
- 353 Mr. Ridder: Part of it is; from the right-of-way to the sidewalk.  
354
- 355 Mr. McCarthy: If there's an exception, just add that in.  
356
- 357 38. On Exhibit I *Landscape Plan*, explain or delete the "Prestwick Place" reference.

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358 39. Provide a letter from the Delaware County Engineer's Office regarding project feasibility. That is  
359 from Regional Planning; that was the source of that comment.

360  
361 Mr. Duell: Feasibility for what, the roads?  
362

363 Mr. McCarthy: They typically give something indicating that the street and transportation plan  
364 appears to be acceptable subject to their final review. I don't remember them giving a feasibility as to  
365 whether or not it's going to sell.

366  
367 Mr. Duell: What would the Engineer's Office be concerned about other than bridges going over the  
368 creeks? Otherwise the roads are just standard stuff compared to anywhere else.

369  
370 Mr. McCarthy: That is the language of the Regional Planning Commission recommendation. We can re-  
371 state it.

372  
373 Mr. Duell: Whatever the Engineer normally provides.  
374

375 Mr. McCarthy: Maybe provide a letter from the Delaware County Engineer's Office regarding  
376 conceptual approval of the road plan.

377  
378 40. Consider providing that Section 21.10 *Requirements for Nonresidential Uses Abutting Residential*  
379 *Districts* shall not apply to Lots 1, 2 and 3.

380  
381 Mr. McCarthy: We had a lot of discussion about the placement of these residential lots is going to have  
382 an impact on that commercial that they abut to and the question was can we have a homeowner waive. I  
383 couldn't figure out a way to do that but what we could do as a characteristic of this Development Plan,  
384 gentlemen, this is probably significant from your side, it could be provided that that 21.10 buffer doesn't  
385 apply to Lots 1-3. That would be one way to solve it. On the other hand, if a developer wants to build on  
386 the lot line, you're on the lot line, so that statement is very broad.

387  
388 Mr. Duell: I don't think it was just Lots 1, 2 and 3; it was the back end of the cul-de-sac too that was  
389 going to create the 100' boundary problem on a pre-existing commercial property. You could put some  
390 deed restrictions on the commercial property. I was more concerned about the one lots more than the  
391 other because there is some buffer.

392  
393 Mr. McCarthy: So 1, 2 and 3 we're not concerned with.  
394

395 Mr. Duell: 7, 8, 9 and 10 which all abut the commercial district along Gooding Boulevard to the east.  
396 By changing this from PC to single family, all of a sudden they have a 100' building setback requirement.

397  
398 Ms. Trebellas: It does apply to some extent to 3, 2 and 1 but not that much.  
399

400 Mr. Duell: Even there with that stream, you can't get close enough for that 100'.  
401

402 Mr. McCarthy: We'll just stick with 7, 8, 9 and 10. Gentlemen, do you have a comment or reaction?  
403

404 Mr. Ridder: That seems fine for right now.  
405

406 Mr. Duell: For 7, 8, 9 and 10, we just want you to know that if we have to grant a divergence, we  
407 probably would, given the history of the situation.  
408



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409 Mr. Ridder: That would be another divergence.

410

411 Mr. Duell: But that would be on the commercial.

412

413 Mr. McCarthy: The commercial, if they come in with a new improvement and the abutting residential  
414 district is 100', unless that is reduced and typically, as Mark said, that does get reduced somewhat. I  
415 don't recall a time that it's been totally eliminated, so that would be a first.

416

417 Mr. Ridder: That's to the lot line, not the building, correct?

418

419 Mr. McCarthy: That's 100' from the property line, not the house, from the residential use.

420

421 Ms. Trebellas: The residential property line is 100' to commercial use, so parking can be in that area but  
422 generally commercial use is building, dumpster.

423

424 Mr. Wisniewski: So you basically want us to understand that that could happen, it could add on, the  
425 building could be built on the other lot and we can't come back and say they have to stay 100' away from  
426 us because we created this?

427

428 Mr. McCarthy: If that's in this text. That's why I wanted you to be real clear on it.

429

430 Mr. Wisniewski: If somebody comes in, this Commission will probably use common sense and not let  
431 them build right on the line.

432

433 Mr. McCarthy: The problem is that they may not come to the Commission if they simply come in for a  
434 zoning permit under the approved zoning and they meet all the standards of that district; they're just  
435 going to get a permit, there won't be a coming back to the Commission. So this is significant.

436

437 Mr. Wisniewski: If this was commercial property but a different person's commercial property, could  
438 they build right on the lot line or do they have certain setbacks?

439

440 Mr. Duell: It wouldn't go on the lot line; there would be the commercial setbacks which are not 100'. If  
441 this is commercial and that's commercial, what's the setback from the property line?

442

443 Mr. McCarthy: It varies. 6' for parking is the minimum I think.

444

445 Mr. Duell: And the building setback is?

446

447 Mr. McCarthy: Service roads parallel to 23 I think the minimum is 15'. Typically the minimum is at  
448 least 25'.

449

450 Mr. Duell: It could be 25' from the property line versus 100'.

451

452 Mr. Wisniewski: So it's still going to be a good distance from a house even if they go to the max?

453

454 Mr. Duell: Yes.

455

456 Ms. Trebellas: And some residents like buffering like fences, trees, etc.; where commercial gets  
457 commercial, that's not generally necessary.

458

459 Mr. Wisniewski: We're going to buffer that whole property, so that should help that.

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460 Mr. Duell called for a 5 minute recess

461

462 41. If the model home location has been determined, identify that location. Also, indicate  
463 landscaping/identification of the lot boundaries on a detail added to Exhibit I *Landscaping Plan*.

464

465 Mr. McCarthy: That's the four corners marking Ms. Trebellas raised.

466

467 Mr. Wisniewski: At what point do we have to determine which lot that is?

468

469 Mr. McCarthy: You really don't have to. You could simply add it to the Development Text. It appeared  
470 to me that you knew which one you were using but if that's subject to change....

471

472 Mr. Wisniewski: It's going to be either 1, 2 or 3.

473

474 Mr. McCarthy: You might say there will be demarcation of the four corners with landscaping or  
475 something, the idea being you're keeping people from wandering thru everyone else's backyard which is  
476 the reason that got put in the Code.

477

478 Mr. Duell: Are there any other questions or comments?

479

480 Ms. Trebellas: While you stepped away we were still discussing how best to put the provision 40 of how  
481 to put the non-residential uses abutting residential so one of these homes doesn't end up with a building  
482 right in their backyard, but I don't think we resolved anything, unless you have any thoughts.

483

484 Mr. Duell: I've identified the issue; I'm not sure there's a good way to solve it.

485

486 Mr. McCarthy: Right now they could apply for any divergence they want to; they could get 0 if you  
487 gave it to them.

488

489 Ms. Trebellas: If the commercial property owners came before us, we could regulate what that setback  
490 would be?

491

492 Mr. McCarthy: We could say, except to the extent that a divergence application is requested for a  
493 structure building setback of less than "x" feet, in which case they would have to come to you but instead  
494 of arguing over 100', you'd be arguing over whatever "x" feet happens to be. I know it's kind of  
495 uncomfortable, it's easier to say it won't count but, at the same time, it's very stark language.

496

497 Mr. McNulty: How can you resolve it here because you don't know what's going to happen with the  
498 other property? All you can do is put notes in the text.

499

500 Ms. Trebellas: And there's no way we can flag those properties if they go before the Zoning Department  
501 to have them review the development?

502

503 Mr. McCarthy: That would be administrative; I don't know that we...

504

505 Ms. Trebellas: And we can't make them come to us for permission before they build on those lots.

506

507 Mr. McCarthy: Right now what's there is there but nothing's changed when they come to build the  
508 house. They've indicated they're going to buffer it but if they want 100', let them duke it out. I know  
509 that was a concern that realizes an infringement on their rights more than their intrusion on this  
510 development.

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511 Mr. McNulty: It is an intrusion on whoever owns that property to not have that full divergence to a  
512 commercial that's sitting there. They go look it up and wonder where's their 100'. But I'm not sure how  
513 that's solvable.

514

515 Mr. McCarthy: We could pull that PC application and see what it says. My guess is that it says this  
516 development will comply with this requirement. At the time this was all going to be commercial, so  
517 they'd have no concern about it and they probably didn't request any divergence. We can pull that and  
518 see what it says and maybe that will give us a little thought in the future. If anyone has an idea, feel free.

519

520 Mr. Duell: If there are no other comments, he'll make a list and give it to you.

521

522 Mr. McCarthy: I'll get a corrected list out to you.

523

### PUBLIC COMMENT

524

525

526 None

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528

### MOTION TO APPROVE STIPULATIONS AS READ AND AMENDED

529

530 Mr. McNulty made a motion to approve the stipulations for Rezoning Application #ZON-17-10, North

531 Orange Development, LLC, as read and amended; seconded by Ms. Trebellas.

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533 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Wilson-yes, Mr. McNulty-yes

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Ms. Trebellas: Only on rare occasions have they tabled things to ask for additional information or...

Mr. McCarthy: Or it's an applicant's request.

## Zoning Commission

561 Mr. Wisniewski: So there's a couple more meetings here, then a meeting with the Trustees, but you have  
562 to provide the information at one meeting and then they schedule it for the next; is that correct?

563

564 Mr. McCarthy: The Zoning Commission will make its recommendation, and that recommendation will  
565 identify the materials that are being recommended or not, that is forwarded to the Board, they receive that  
566 and set their date.

567

### **MOTION TO RECESS APPLICATION #ZON-17-10**

568

569 Ms. Trebellas made a motion to recess Rezoning Application #ZON-17-10, North Orange Development  
570 LLC, until Tuesday, February 27, 2018 at 7:00 p.m. at the Orange Township Hall; seconded by Mr.  
571 Wilson.

572

573 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Mr. Wilson-yes, Mr. McNulty-yes

574 Motion carried

575

576 Meeting adjourned at 8:00 p.m.

577

578 Minutes prepared by Cindy Davis, Zoning Secretary

579

580 On July 17, 2018, Ms. Trebellas moved to approve the meeting minutes of the Orange Township Zoning  
581 Commission dated January 25, 2018, for Rezoning Application #ZON-17-10, North Orange  
582 Development, LLC as written; seconded by Ms. Ault.

583

584 Vote on Motion: Mr. Duell-yes, Ms. Trebellas-yes, Ms. Stenman-abstain, Mr. McNulty-yes

585 Motion carried

586