

## Zoning Commission

1 **Zoning Application #ZON-19-07**

April 14, 2020

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4 **Zoning Application #ZON-19-07, Nova Lands, LLC.** Requesting to rezone three (3) parcels totaling  
5 6.34 +/- acres from a Planned Commercial and Office (PCD) District and Neighborhood Commercial  
6 (C-2) District to a Planned Commercial and Office (PCD) District. The area being amended is located at  
7 6605, 6601 and \_\_\_\_\_ Columbus Pike having parcel numbers 318-220-  
8 04- 024-000, 318-220-04-023-000, 318-220-04-020-000.

9  
10 Ms. Boni: This meeting is being recorded via YouTube and a personal recording device.

11  
12 Roll: Mark Duell, Adam Pychewicz, Dennis McNulty, Barrett Ault, Dustin Doherty

13  
14 Township Officials Present: Michael McCarthy, Legal Counsel  
15 Michele Boni, Planning and Zoning Director

### 16 **MOTION TO RETURN FROM RECESS FOR APPLICATION #ZON-19-07**

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18  
19 Mr. McNulty made a motion to return from recess for Zoning Application #ZON-19-07, Nova Lands,  
20 LLC; seconded by Ms. Ault.

21  
22 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-yes, Ms. Ault-yes

23  
24 Mr. Duell: We have a new submission from the applicant.

### 25 **APPLICANT PRESENTATION/COMMISSION QUESTIONS & COMMENTS**

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27  
28 Tony Eyerman, 1907 River Road, Delaware, Ohio, we received comments from the previous zoning  
29 hearing and on March 18, we resubmitted, taking into account all the comments provided and agreeing  
30 with just about everything in there. Some were just clarity items, and we believe we've addressed most all  
31 those. There were three outstanding items. One was providing a sanitary letter, one was providing an  
32 ODOT letter for the driveway to the northern structure off of 23, and one was getting information to and  
33 comments back from the Fire Department. We received a letter from the consultant for the sanitary  
34 system to the northern structure. While there was no one living in the house at the time, they could not run  
35 a full test but they did an inspection and their response was that they believe the system looks operable.  
36 For the ODOT letter, while Andy Wecker has had several conversations with ODOT, we have not been  
37 able to get a letter yet from ODOT on the operation of that driveway. My experience in this, and this is  
38 just kind of an insight, if you do not have permission for access on 23, you're access is terminated  
39 immediately and it's recorded that way on the State logs. We have not been able to find that that has been  
40 terminated. For our development plan, we are not intending on using that for the function or operations of  
41 Mr. Miller's retail business. However, we do intend on keeping that as an open and operable access to 23;  
42 the drive just may not be extended into our business as is illustrated on our development plan. It's kind of  
43 like having an easement on a property that's not being used for anything but it is still part of the record of  
44 the land, and that's what that drive access is. If we ever need it for anything, we would have to come back  
45 to the Township for a new or amended development plan for whatever our new proposal would be. The  
46 Fire Department, it was a little bit our fault as we were late in getting plans to them for their comment;  
47 however their comments were exactly what I expected, that there has to be access to it. We can achieve  
48 all those items, and the one that probably is the toughest would be service within 150' of every corner of  
49 the north structure. What we propose to do is take the drive that's at the north and east corner, which is  
50 the top left corner of the property, and move the parking to the north and the drive to the south. As a

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51 reference, from the corner of the fence to the south head-in parking spaces to the southwest corner of the  
52 north structure is 135', so we achieve that 150'. For everything else on the Fire Department's comments,  
53 we would be pleased to work with Lt. Clark and Chief Noble on arriving at each of those items; I don't  
54 see any of those items being an obstruction or difficulty in achieving compliance with their letter. For the  
55 meeting tonight, we can go through Attachment B which are the items that were provided to us through  
56 Mike and we can proceed however you would like.

57  
58 Mr. Duell: That's fine.

59  
60 Mr. McCarthy: Before we go there, the update to Attachment A, I tried to get a list of all documents that  
61 at this point would constitute the approval. These were all turned in in loose form in waves, but did  
62 everyone have a chance to look at that?

63  
64 Two yeses, and Mr. Eyerman and Mr. Wecker also.

65  
66 Mr. McCarthy: The second page, next to the last bullet, that was modified and I think I sent it to you, the  
67 site furnishings examples excepting the lighting examples which are not downlighted. That latter part was  
68 new text. I just wanted to make sure we were all working with the same materials.

69  
70 Ms. Boni: I'm showing the most current version on the screen too.

71  
72 Mr. Eyerman: For the most part we are good with just about all of these items. Item #1, the disclaimer  
73 was actually borrowed from Evans Farm and no one caught it all the way through here but Mike caught it.

74  
75 Mr. McCarthy: Actually Zoning Staff caught it.

76  
77 Mr. Eyerman: Second sentence, the word "charge" should be "change"; we're good with that. Item #2, on  
78 Page 2 of the development text, fifth paragraph, Section 14.03 a) should read "no new permanent  
79 structures will be permitted in this zoning district"; we agree. Item #3, modify the reply to Section 14.07  
80 k). Mike, this is a question but I think this is our response too, what our intentions were was that the  
81 contents of the displays may be rearranged but the display area is not rearranged.

82  
83 Mr. McCarthy: When I read it, that's not how I took it. The comment I made was that the displays  
84 themselves could be relocated from one display area to another; I think we're saying the same thing.

85  
86 Mr. Eyerman: Yes, and we'll work with you on modifying the text so that it reads as we both intend. Item  
87 #4 as regards to hard surface walks and drives, modify the reply in Section 14.07 k) to provide that walks  
88 shall be surfaced solely with tar and chip or asphalt pavement. We're good with that.

89  
90 Ms. Boni: Is the Fire Department good with the tar and chip material?

91  
92 Mr. McCarthy: The Fire Department I believe is going to require their typical standard hard surface, 20'  
93 wide, capable of supporting 70,000 pound apparatus. I don't believe these trails are intended for that use.  
94 There will be a path where an apparatus access drive is that is intended for that purpose; they simply have  
95 to meet the standard and not necessarily for the entirety of the site.

96  
97 Mr. Eyerman: Item #5 is an either or but I think there's a bit of a misunderstanding there. It's in respect to  
98 the US 23 right-of-way and the use of the setback area along that right-of-way. In the last two meetings  
99 we talked about using 40% of the area along that setback corridor along 23 and on the development plan  
100 we show what those three areas totaling slightly less than 40% of open space would look like and in doing  
101 that, we allow ourselves landscape areas that kind of move in and out and don't make it look so much like

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102 a used car lot. So in regard to Item #5, the 48' minimum setback really isn't intended; it's an 80' setback  
103 with 40% use in that area with a 15' pavement setback along the right-of-way, and it breaks that up and  
104 allows a little bit more landscaping to come out front but also allows landscaping to be used around the  
105 display areas.

106

107 Mr. McCarthy: I drafted it both ways. The first one says the pavement setback should be 48' and the  
108 second one says provide a 15' but limit it solely to the display areas, the balance of the area, as far as  
109 paving to have the 48' requirement.

110

111 Mr. Eyerman: If we can chose of those two, the second one is probably the one we'll proceed with but  
112 we'll work with you on how that's incorporated into the text.

113

114 Mr. McCarthy: I was just going to ask the Commission which one they favor.

115

116 Mr. Doherty: I like the second one better.

117

118 Ms. Ault: I like the second one better as well.

119

120 Mr. McNulty: I agree.

121

122 Mr. Eyerman: Item #6 in addressing the smalls, modify the last sentence of the fifth paragraph of Section  
123 14.07 k). The only thing I could find was there's a plural on sheds.

124

125 Mr. McCarthy: No, there was a comma. There was a case a while back where they literally got into  
126 grammar and decided the case based on that, and the way it was originally written, it did not have a  
127 comma after barns, so technically I think it would read shed, barns or other solid structures that are 15' in  
128 height or greater. Sheds and barns are alright because they were not to be within the US 23 setback and  
129 then the play sets over 15' were also to be out, so that's the way it was drafted but that was the change. So  
130 sheds, just pick up the plural because you used barns. The comma after barns was really the more  
131 important thing in my mind.

132

133 Mr. Eyerman: We're good with that. Item #7, add the following at the end of the fifth paragraph of the  
134 reply to Section 14.07 k), "if the 40% area is not used for outdoor display purposes, it shall be green  
135 space." We agree. Item #8, add the following at the end of the last paragraph of the reply to Section 14.07  
136 k), "no inventory or pallets or stacks of materials may be stored to a height taller than the fencing." The  
137 only thing I have on that is in the area for the assembly and storage. There are going to be times we're  
138 assembling a children's play structure, preparing it to go out to the display area and it's going to be sitting  
139 behind the fence and be taller than that fence area. So the inventory reference, we have a problem with  
140 that. If it read no pallets or stacks of materials may be stored to a height no taller than the fencing, we'd  
141 be fine with that.

142

143 Mr. McCarthy: What if we, have no inventory or pallets, stacks of materials, excepting children's play  
144 sets or whatever.

145

146 Mr. Wecker: You would need to include sheds, barns or solid structures as well.

147

148 Mr. McCarthy: Yes, you've got the gazebos, too.

149

150 Mr. Wecker: What do you think of just striking inventory so it reads no pallets or stacks of materials?

151

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152 Mr. McCarthy: I think that's more of the nature; this stipulation actually came from Ohio Mulch. When  
153 they went in, that was one of the conditions and it seemed appropriate to have it here as well. I would  
154 leave it to the Commission. I understand your point and that really wasn't my intent. Otherwise, you'd be  
155 assembling it outside of the assembly area and that doesn't make any sense.

156  
157 Mr. Duell: I'm okay striking inventory.

158  
159 Mr. Pychewicz: Mark, I agree with you. I think just having pallets or stacks of material would really be  
160 the concern.

161  
162 Mr. McCarthy: Let's just go with that then.

163  
164 Mr. Eyerman: With that struck, we are good with adding that statement. Item #9, modify the last sentence  
165 of the eighth paragraph of Section 14.03; it actually is 14.06 b)3). "The exterior of the structure shall be  
166 sided with wood and painted with Sherwin Williams A100 JDM Black Fox Satin Paint to match the  
167 southern structure." The structure is currently metal, although if you drive by it you really can't tell  
168 because it's behind the southern structure and screened by pretty tall evergreens on either side of the  
169 southern structure, and then we're going to add an 8' fence there. Daniel would prefer to keep that  
170 structure the material that it is, which is a metal siding. We'll paint it to match the southern structure  
171 which is that charcoal colored paint. We would prefer not to have to take off all the siding and replace it  
172 with wood. With the painted metal, it's going to look the same regardless.

173  
174 Mr. Wecker: When I talked to Daniel Miller today, he said in addition to paint, he plans to remove the  
175 existing roofs from both buildings, re-roof with shingles and then to the extent that either roof is lacking a  
176 gable overhang, he will add gable overhangs to that.

177  
178 Mr. McCarthy: That stipulation came from a discussion that went in that direction. So, again, this lies  
179 with the Commission.

180  
181 Mr. Duell: I'm okay with not re-siding; just so it matches.

182  
183 Ms. Boni: Wonder if we deleted the siding with wood and then just paint it to the color of the southern  
184 structure?

185  
186 Mr. McCarthy: That's pretty much what it reads right now but the point was there was a discussion about  
187 no wood.

188  
189 Mr. Eyerman: I remember the discussion; we didn't know, so I understood where it came from. Then  
190 we're good with that comment as well. Item #10, modify Section 14.05 to read "all uses that are not  
191 specifically listed as permitted uses and those accessories, parking areas, drives, etc. that support the  
192 permitted uses shall be prohibited.; we're okay with that. Item #11, a) provide permanently installed  
193 landscape buffer along US Route 23 frontage outside of the right-of-way. I don't think we have a problem  
194 with that; I was just curious what they were looking at along there because we have the landscape buffer  
195 working around the three display areas and fence along the right-of-way.

196  
197 Mr. McCarthy: The fence I assume is not portable but pretty much all the other landscaping in the right-  
198 of-way is stated to be portable, and the Township, at least to this point, has not approved entirely portable  
199 landscaping which is what is proposed in the text right now.

200  
201 Ms. Boni: I think we were looking to having a consistent landscape....

202

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203 Mr. McCarthy: With the balance of the corridor.  
204

205 Ms. Boni: Yes, along 23, whether it's shrubs or something, but the landscaping you have states it can be  
206 moved seasonally, so just something consistent.  
207

208 Mr. Eyerman: We'll agree with Item #11 a).  
209

210 Mr. McCarthy: Could you provide a plan or drawing?  
211

212 Mr. Eyerman: Yes. Item b), we'll have those types of plant materials listed as well as range of plant  
213 materials that will be included in the container plant material plantings. Item c), incorporate the shade tree  
214 plant specs in Section 14.07 k) into the landscape plan.  
215

216 Mr. McCarthy: And the trees themselves. Right now they don't appear.  
217

218 Mr. Eyerman: Correct the landscape plan to provide that, so we'll have the plan corrected. Item d), in the  
219 development text on the landscape plan, indicate the headlight buffer shall be a minimum of 36" in  
220 height. It shows 30, so we'll make that correction. Item e), on Page 17 of the development text, second  
221 bullet point, the third paragraph of 14.07 p), provide that there shall be replacements for dead, dying or  
222 undesirable trees that are removed along the east property line. Daniel has met with the neighbors on the  
223 east side, and they agree that many of the trees along there, not all by any means, are elm, ash,  
224 cottonwood, all the undesirable trees or trees that if you went to a jurisdiction that had permitted trees to  
225 use, those would be trees that would not be permitted. Many of them were undesirable, many of them  
226 were dead or dying or tops blown out. Daniel had his crews go in and remove a number of the trees. Our  
227 intention is to, and I know Daniel has spoken with our neighbors and I believe Karl is on the line so he  
228 can confirm this, provide a fence along the east line for the neighbors and also supplement the area that  
229 did not have the mound with an additional mound as well, and we'll have plantings, and we'll provide a  
230 plan to show the plantings in that area. With respect to the comment that we have replacement, it doesn't  
231 say for each of them, we won't have replacements for each but we'll have a landscape design to put on  
232 the plan for that area along there behind the fence. Item f), on Page 17 of the development text, second  
233 bullet point of the third paragraph, 14.07 e), add a provision requiring a 42" high orange construction  
234 fence to delineate the limits of the trees to be preserved. We'll do that if that's necessary but because  
235 Daniel and the neighbors have identified what trees are to remain, I'm not certain that's necessary. The  
236 edge of the pavement is there and trees are pretty clear because they're probably 30 or 40' high, what  
237 trees are going to remain.  
238

239 Mr. McCarthy: The reason for that stipulation is that people would agree in good faith at this level to  
240 preserve the trees then crews would come in and then there were phone calls that the trees were gone.  
241 With the construction fence, we really never had any drama after that.  
242

243 Mr. Eyerman: Okay, we'll do it. Item #12, on Page 18, first sentence of the second paragraph of the reply  
244 to Section 21.01, insert the word "drive" following "stone". The text will read "Additionally an existing  
245 asphalt and compacted stone drive", which drive was missing, "shall be maintained and improved to a tar  
246 and chipped surface as a service access from Lewis Center Road"; we'll do that. Item #13, on Page 24, for  
247 some reason this time around the text did not transfer over clearly and there were setback numbers for  
248 Class C and Class D roads that didn't make the trip into our text. We'll make those corrections that we  
249 have no Class C or Class D roads on our site, so it didn't have any impact on us, but we'll make sure it's  
250 cleared up. Item #14, in the reply to Section 14.06 b)3), a) provide a complete listing of permitted exterior  
251 materials, maintaining the prohibition against the introduction of new exterior vinyl and aluminum  
252 materials in the redesign of the structures. We will do that. Specify the roof pitch of all structures. Do you

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253 want me to go up on a ladder and measure that off at what pitch it is or can we maintain the current  
254 pitches that are there?

255

256 Mr. McCarthy: Right now they're putting new roofs on and in the future who knows what's going to  
257 happen, and if there's no standard, there's no standard.

258

259 Mr. Eyerman: We'll get it taken care of. Item c), specify the range of colors to be permitted for exterior  
260 materials and roofs. Consider the Munsell charts. We're providing specific paints for the southern  
261 building and then the northern structure is to match what's on there already. If you have a Munsell chart,  
262 I'd be happy to use it, but I haven't been able to find a Munsell chart in probably five years.

263

264 Ms. Boni: I just purchased the most current edition.

265

266 Mr. Eyerman: May I borrow it? I'm sure it's copyrighted, so I'll copy it for my own particular use and  
267 nothing else.

268

269 Mr. McCarthy: Right now I have no objection to the color scheme he's proposing, but this is the third  
270 owner of the property. The fourth owner might have a different view of the world.

271

272 Mr. Eyerman: We will do that. Item d), specify the manner and materials to be utilized in the screening of  
273 those items in areas addressed in site utilities on Page 7; we will do that. That will probably be  
274 incorporated into the landscape plan. Item e), provide details as to the construction materials of the entry  
275 sign and its message on the sign face; we will do that as well. Item #15, eliminate all exterior non-  
276 downlight fixtures from the development text. We say in our new text that we will have nothing but  
277 downlighting. I suspect, Mike, that you're referring to the site furnishings' previous submittal that had  
278 some of the smaller things that would be attached to a barn or shed or something like that.

279

280 Mr. McCarthy: They were first of all called out as examples and I'm thinking there was a statement; see if  
281 I can do a quick search, but I can't get out of this program.

282

283 Ms. Boni: What are you trying to look for?

284

285 Mr. McCarthy: Bowl from the March 17<sup>th</sup> submittal, and looking at the examples, previously that is where  
286 those pictures all came from. I think you had the word bowl in there somewhere and it might have been a  
287 relic.

288

289 Mr. Eyerman: It probably was because in our March 18 submittal on Page 8, it says all light fixtures shall  
290 be oriented downward to comply with dark sky standards, so it might be a relic.

291

292 Mr. McCarthy: Assuming you're in agreement, I'll find that and tell you where it is.

293

294 Mr. Eyerman: If there is a relic there, we'd be happy to remove that. Item #16, in reply to Section 14.06  
295 b)4), state when the replacement light fixtures will be installed on the two existing wooden light poles.  
296 We will have that corrected on the lighting plan before our next meeting.

297

298 Mr. McCarthy: And will that happen when the balance of the project goes forward or a future event?

299

300 Mr. Eyerman: I believe it will be when we start with the overall, most immediate time.

301

302 Mr. McCarthy: Just put that in there.

303

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304 Mr. Eyerman: Item #17, as regards to the two emergency drives, identify on the development plan at the  
305 north and south ends of the property. Insert verbiage into the development text providing that these  
306 accesses will be constructed to the requirements of the Orange Township Fire Department and will not be  
307 blocked by sheds, structures and other products or materials. We'll do that. Further, add text providing the  
308 same requirements for the north drive on US 23 in the event ODOT approves its use. That last sentence,  
309 while we may keep that drive access on the books for US 23, our intention is not to extend that drive into  
310 the site on this development plan, so it will be there but we don't know what's going to happen in 20  
311 years on the northern lots, and the northern lots really do not have any access to 23, so this may be the  
312 only access they have. We'll retain the access to it, but it won't be used in this development plan.

313  
314 Mr. McCarthy: Andy, have these been joined into one parcel or are they still three separate?

315  
316 Mr. Wecker: Yes. It's legal descriptions and as parcels with the County Auditor's Office; they are three  
317 separate parcels.

318  
319 Mr. McCarthy: And I guess if it spins off and used residentially, it probably wouldn't be an issue; it will  
320 still have the zoning on it. I'm just thinking of the Fire Department's two access rule; you would have one  
321 access off Lewis Center, you're not giving up that easement, and maybe you would just have to talk about  
322 the other access off 23 when that happens. What if we were to say that in the event ODOT approves its  
323 use and it is utilized as an access?

324  
325 Mr. Eyerman: Okay; I would be happy to work with you on this. We'll get the text right the way you want  
326 it. The thing we don't want to do is give up rights to...

327  
328 Mr. McCarthy: No, and I don't want you to.

329  
330 Mr. Eyerman: But at the same time we don't intend on using it for this development plan and any use of it  
331 would require us to come back before the Zoning Commission for an amendment or a new development  
332 plan.

333  
334 Mr. McCarthy: Why don't we talk about that and try to come up with it?

335  
336 Mr. Eyerman: Item #18, on Page 15 of the development text, modify the sixth paragraph, the reply to  
337 Section 1407 k) to read "outdoor displays are prohibited within the northern, southern and eastern  
338 structure and paved setback areas." We agree and we'll do that. Item #19 we agree with also, on Detail 4  
339 of the detail plans, Detail Plan 1 of 2 and detail plans regarding the 8' privacy fence, correct "treaded" to  
340 "treated" in three places, and we will do that as well.

341  
342 Mr. McCarthy: The reason I called them two different names is there's no 1 of 2 on the 11 x 17.

343  
344 Mr. Eyerman: Of the 19 items I think we're good with everything that was commented on and with that,  
345 we'd be happy to answer any questions.

346  
347 There were none.

348  
349 Mr. Duell: I have nothing else. How do we want to proceed at this point?

350  
351 Mr. McCarthy: I think the options are either receive a corrected version for a final vote or send it on; it's  
352 totally up to the Commission.

353

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354 Mr. Duell: The only problem with sending it on, there is still language to be determined, so I would hate  
355 to send it on with that as a caveat.

356

357 Mr. McCarthy: The stipulations can be an issue too, but it lies with the Commission.

358 Ms. Boni: Mark, you're not looking for another submittal; you just want the language to be worked out in  
359 the recommendation, right?

360

361 Mr. McCarthy: I guess the first question is as to the listing in Attachment A, the worst of it's done. The  
362 ones on that list that are affected I would say it would be good to see new and corrected versions of. The  
363 ones that aren't, here's the list, we'll change the date, it might be nice to get it all in a binder. My thought  
364 would be to see the drawings that are affected and not duplicating anything that isn't affected.

365

366 Mr. Duell: There are two things I can think of that I think we need to see again. The language that's to be  
367 determined and the landscape plan that's going to be changed and coming our way, so it would probably  
368 be helpful to see those two again, so I don't know if we'd do a new submittal or like Mike said, maybe  
369 put it together as a binder to send on. I will leave that up to the applicant, you and whoever might want to  
370 look at that.

371

372 Mr. McCarthy: Or how does the Commission want to do it? I do think if the file's dropped, that would be  
373 invaluable, it would be useful. Michele, once we have a motion, do you assemble the identified materials  
374 and clip or bind it?

375

376 Ms. Boni: Yes, I stamp every page with the resolution number and case number in both physical and  
377 digital copies, and they are binded. I bind them in a different way once they're finalized because binders  
378 take up a lot of space.

379

380 Mr. Duell: Maybe we'll just have them submit the papers that need to be submitted; the language that's to  
381 be determined, the landscape plan and any of the drawings that need to be amended.

382

383 Mr. McCarthy: Andy, Tony, Michele and I can determine what documents are affected here, and those  
384 would be the only ones; I don't see any reason in reinventing that wheel. We have our list, we'll update  
385 Attachment A and that'll be good enough.

386

387 Ms. Boni: I'm going to want revised submittals for the Trustees once it gets to that point. That would be  
388 the full application so they have it.

389

390 Mr. Duell: If they have to make a new binder, do you want her to just make it now? We can approve that  
391 and you can have your write up to the Trustees.

392

393 Ms. Boni: That's fine; that's just less paper we have to worry about..

394

395 Mr. McCarthy: And I don't think we need 15 copies, do you?

396

397 Ms. Boni: No; I think we're at five I believe.

398

399 Mr. McCarthy: Seven; I'd like one. Tony, please give me a full size scaled drawings once they're  
400 corrected.

401

402 Mr. Eyerman: Michele, would you like full size too?

403

404 Ms. Boni: I just need one.



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405  
406 Mr. Duell: How long do you think it will take to put all that together?  
407  
408 Mr. Eyerman: Will we be submitting for the next meeting?  
409  
410 Mr. Duell: It would probably be best because then we could just hand that right off to the Trustees.  
411  
412 Mr. Eyerman: By the time we pull everything together and get with Mike to make sure everything's good,  
413 it will probably take the better part of two weeks. Does that work into the Zoning Commission's schedule  
414 for the next meeting?  
415  
416 Ms. Boni: You mean the 28<sup>th</sup>?  
417  
418 Mr. Eyerman: If we got it in on the 28<sup>th</sup>, does that work for your meeting after that one?  
419  
420 Mr. McCarthy: The next meeting after that one is the 5<sup>th</sup> of May.  
421  
422 Ms. Boni: And we don't have anything on that one.  
423  
424 Mr. Eyerman: We'll shoot for submittal on the 28<sup>th</sup> then does that provide you plenty of time for the 5<sup>th</sup>?  
425  
426 Ms. Boni: That's fine. Then I would anticipate the Trustee meeting to potentially be the first one in June.  
427  
428 Mr. McCarthy: Is there any public on here?  
429  
430 Ms. Boni: We have nothing on YouTube; there is one individual on the Zoom meeting. He's just on there  
431 for the experience.

### **MOTION TO RECESS APPLICATION #ZON-19-07**

432  
433  
434  
435 Mr. Duell: Can I have a motion to recess Application #ZON-19-07 to Tuesday, May 5, 2020;  
436 should we call it at Orange Township Hall?  
437  
438 Ms. Boni: If we call it at Orange Township Hall and it doesn't happen, what do we do then?  
439  
440 Mr. McCarthy: Wonder if we said something like recessed until May 5th at Orange Township  
441 Hall unless the Governor's, or anyone's order, prohibiting such a gathering?  
442  
443 Mr. Wecker: Yes, it will state that it will be virtual. The stay at home order is actually the order  
444 of the Director of the Ohio Department of Health. Refer to it as the Director of the Ohio  
445 Department of Health's order and then the meeting will be held at the Hall unless the order has  
446 been extended in which case videoconference, Zoom, whatever you want to call it.  
447  
448 Mr. McCarthy: Video hearing.  
449  
450 Mr. Wecker: Yes, that's better because we've got a presiding officer and...  
451  
452 Mr. McCarthy: And we've still got deliberation going on and people would have the right to  
453 participate if they were here.

## Zoning Commission

454  
455 Mr. Wecker: And it's subject to sunshine law.  
456  
457 Mr. Pychewicz made a motion to recess Zoning Application #ZON-19-07, Nova Lands, LLC, until  
458 Tuesday, May 5, 2020, at 7:00 p.m. at Orange Township Hall or alternatively, if the order of the Director  
459 of the Ohio Department of Health is extended, it is to be done virtually as a video hearing; seconded by  
460 Ms. Ault.

461  
462 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-yes, Ms. Ault-yes  
463 Motion carried

464  
465 Meeting adjourned at 8:00 p.m.  
466 Minutes prepared by Cindy Davis, Zoning Secretary

467  
468 On May 19, 2020, Mr. Doherty made a motion to approve the April 14, 2020 minutes of the Orange  
469 Township Zoning Commission for Zoning Application #ZON-19-07, Nova Lands, LLC, with the  
470 following corrections:

- 471
- 472 • Line 34 should read: "While there was no one living in the house at the time...."
  - 473 • Line 61: "approvals" should read "approval"
  - 474 • Line 107 should read: "I drafted it both ways....."
  - 475 • Line 127 should read: "...would read shed, barns, or other solid structures...."
  - 476 • Line 128 should read: "Sheds and barns are alright because they are not to be within the US  
477 setback...."
  - 478 • Line 129 should read: "...play sets over 15' were also be out...."
  - 479 • Line 130 should read: "The comma after "barns"...."
  - 480 • Line 134 should read: "If the 40% area is not used for outdoor display purposes, it...."
  - 481 • Line 180: "residing" should read "re-siding"
  - 482 • Line 239 should read: "The reason for that stipulation is that people would agree in good  
483 faith at this level to preserve the trees then crews would come in and then there were  
484 phone calls that the trees were gone".
  - 485 • Line 254 should read: "...dead or dying or tops blown out...."
  - 486 • Line 275: "downlight" should read "non-downlight"
  - 487 • Line 354 should read: "...the only problem with sending it on, there is still language..."

488  
489 Seconded by Mr. McNulty

490  
491 Vote on Motion: Mr. Duell-yes, Mr. Pychewicz-yes, Mr. McNulty-yes, Mr. Doherty-yes  
492 Motion carried  
493