

**Brunswick Hills Township
Zoning Commission Public Hearing Meeting
September 6, 2018**

PUBLIC HEARING MEETING

Chair Jenkins called the Zoning Commission Public Hearing Meeting to order at 7:04 p.m. A roll call of the board was executed:

- **Board Members in Attendance:** Sandra Jenkins (Chair); Matthew Mickas (Vice Chair), Barb Porter, Linda Kijek
- **Alternate Board Members in Attendance:** Trica Murphy, Ed Kelly
- **Others in Attendance:** Trustee Michael Esber, Zoning Liaison; Trustee John Witthuhn; Evelyn Czyz, Zoning Inspector; Mary Jean Milanko, Zoning Secretary
- **Members Not in Attendance:** Al Fulkerson (Excused Absence)

Trica Murphy was seated to represent a full board.

New Business: Zoning Map Amendment to Rezone a Corridor on W. 130th Street Brunswick Hills Township from Current Zoning: RR- Rural Residential to Proposed Zoning of R-1 Residential

1. **Brian James, Developers Management LLC, 943 Wye Drive, Akron, OH 44303** (representing the Hejduk property of 55.5 acres, Parcel No. 002-02D-14-013 on W. 130th St, Brunswick Hills, OH, 44212), Zoning District R-R Rural Residential. Zoning Map Amendment application requests the Rezoning of a corridor on W. 130th Street, Brunswick Hills Township from current Zoning District of RR-Rural Residential to proposed R-1 Residential Zoning for properties from Sleepy Hollow Road north to Laurel Road and from I-71 east to W. 130th Street, (with the exception of PP #001-02D-10-001 on Laurel Road adjacent to I-71 which is already R-1, containing approximately 213 acres). (**Attachment 1 properties proposed by Brian James, Developers Management LLC to rezone from R-R to R-1**).

Testimony and Evidence

- **Evelyn Czyz, Zoning Inspector, Brunswick Hills Township, 1918 Pearl Road, Brunswick, OH was sworn in.**

Vice Chair Matthew Mickas read **The Executive Summary from the Medina County Planning Commission Report (ZC Attachment 2)**

The subject site is located on the east side of the Interstate 71 (I-71) right-of-way (ROW) bounded by Laurel and Sleepy Hollow Roads, on the north and south, and West 130th Street, on the east (see location map). The applicant proposes to change the zoning on the approximately 213 acre site from R-R Rural Residential to R-1 Residential.

Recommendation: APPROVAL

Vice Chair Mickas then read the comments from the Medina County Planning Commission Staff Report:

Medina County Planning Commission Comments:

1. Water and sewer are available.
2. The proposed map amendment is not consistent with the township's Plan.
3. 18 of the 32 residential properties on the proposed site do not currently conform with the RR zoning requirements.
4. Much of the frontage of the site has been developed. A change in the zoning will primarily impact the back land contained in the Hejduk and Frank properties; however, the existing 18 legally non-conforming properties would become compliant if the zoning amendment is approved.

5. The stream corridors do not make the subject site particularly compatible with industrial zoning as contemplated by the township Plan. This same stream corridor would prove challenging for development of the Frank property also if the zoning on the property were to be amended.
6. While the undeveloped back land of the site could be developed under the existing RR zoning, this district does not provide much in the way of flexibility which would allow for targeted natural resource preservation.
7. The surrounding land uses and zoning are primarily compatible with the proposed zoning.
8. While the applicant has indicated a proposed use for the property under consideration, it must be noted that all permitted uses in the R-1 district are possible upon the adoption of the zoning map amendment; as such, the proposed use listed is irrelevant to the map amendment application.

Recommendation: Staff recommends that the Medina County Planning Commission **APPROVE** the zoning map amendment from RR Rural Residential to R-1 Residential.

Testimony & Evidence/

1. **Brian James (applicant), Developers Management LLC, 943 Wye Drive, Akron, OH 44303** was sworn in and asked to present his case. Mr. James stated we have the Hejduk property under control and would like to put in a residential subdivision there, which is about 25% of the area that we are proposing for the rezone. He said when we took a look at the physical characteristics there, it is predominantly wooded and about 15 acres might be farm and the rest is all wooded. Mr. James said on the northern side there is a gorgeous ravine and a really nice natural resource there. There is another ravine on the south and the woods we would really like to just try to preserve as much of that, but with the Rural Residential zoning that its zoned right now, there is just no real way that we can protect some of those areas. Mr. James said they are all going to be two (2) acre lots and would go all the way up to the adjoining property to the north and to the south. He said there is really no way we could do it. When we sat down and started looking at the whole area there from Sleepy Hollow Road all the way up to Laurel Road it is really not a Rural Residential area of the township anymore. Mr. James said of the 32 residences within that block, 18 of them are non-conforming; so the lots are either smaller or narrower and there are a few lots in there that are 1-acre lots. Mr. James stated it looks more like the R-1 areas. The property jetting across the highway is all R-1; the one parcel on the east side of the highway is R-1.

The Comprehensive Plan calls out for the area to be Commercial development of the area, but topographically it isn't really well-suited for that and I personally question whether W.130th is suitable for that whole block to be in the Industrial development. Mr. James said we think the only proper way – I mean our only other option would be to come in and ask just for the Hejduk property to be rezoned to R-1, but from a planning standpoint that didn't seem to make a lot of sense because that would cut right through and leave Rural Residential to the north and the south and we don't feel it is really Rural Residential there anymore. He said and with the non-conforming lots, we really felt that if the township took the effort to sit down and really look and analyze that quadrant of the County it makes some sense that our recommendation is the only reasonable and responsible thing to do and that would be for it to be R-1.

Mr. James stated we realize it is kind of a bold undertaking requesting over 200 acres to be rezoned when we only control about a quarter of that, but professionally speaking I really think it is the right way to handle it. Our plan on what we are hoping to do on it is we have about 40 lots; we can buffer with open space the property to the north and the property to the south and we have open space up against W. 130th Street, so we feel we can tuck 39-40 houses in there without much impact or negative impact to the surrounding residences.

Mr. James stated we will be bringing in sewer and water to the site so there won't be wells tapping into the same aquifer as the other folks that are there already and there won't be on-site sewage disposals, which are septic systems a couple of feet underground in your backyard. Mr. James stated they operate good for a while but down the road that is not good for the streams and other things. Mr. James said that is our proposal in a nutshell and I can answer any questions you have but that is what we are asking for. Mr. James stated we were at the Planning Commission last night and they voted unanimously to approve the rezoning.

Testimony & Evidence/ Public Comment

1. **Alfred LaPointe, 2065 W. 130th Street, Hinckley was sworn in.** Mr. LaPointe stated he lives on W. 130th and also owns property across the street in Brunswick Hills on W. 130th which is 2.7 acres and is not an R-1 lot. He said most of my neighbors do not have R-1 lots and both properties that I own would be directly affected by this. Mr. LaPointe stated his comment (Mr. Brian James) that it would be very little impact to the area is a flat out lie. The traffic now on W. 130th is horrendous; we would have to build new schools; the infrastructure to support that doesn't exist; our streets are too narrow to support traffic with more homes. He said if you drive through, or wait for the school bus with your children there is so much traffic that when the bus leaves you have to wait 3-4 minutes before the traffic clears. That's how much traffic comes through there and for someone who doesn't live here and lives in a different County to come in here and say there is very little impact to the environment is wrong. He said the impact that the environment is going to have is more traffic coming through; the infrastructure we don't have in place today to support the additional residents because Brunswick Hills is growing very fast and they are looking to find property and then change everyone else's property along the way. Mr. LaPointe stated I am totally against this and I just wanted my voice to be heard.

2. **Chris Frank, 1938 W. 130th Street, Brunswick Hills was sworn in.** Mr. Frank stated for over 30 years my wife Christy and I have enjoyed our 40-acre gift from God and initiated this petition to engage the response of residents notified in this R-1 zoning application. Mr. Frank provided a copy to the board (**Attachment 3**). Mr. Frank stated he wanted to share facts for this application for rezoning. First and foremost is the final decision to approve or reject this application will be made by our elected Trustees. We must rely on your integrity to uphold the township mission statement and respect this opposition from residents. Mr. Frank stated another fact is the rezoning application has been submitted by a non-resident, non-property owner, a non-residing resident in Medina County, which conflicts with the song "This Land is Your Land".

Mr. Frank stated the targeted Hejduk property is certainly entitled to do as they wish, but this application includes and insults the people living and paying property taxes here for many years under the current Rural Residential Zoning. Regardless of these non-compliant lots we've all been happy and paying taxes. He stated he and his wife have been here over 30 years as well as a lot of folks that are in the community here that are well established and have enjoyed this community. Mr. Frank stated this application conflicts with the Medina County Comprehensive Land Use Plan of 2005 which Commercial and Light Industrial is cited as the desired solution for that area; which is confusing in itself. Mr. Frank stated the only two open areas are surrounded by well-established residences, but key in the Planning Commission response to this application is they state sewer and water is available. He said the fact that water is available is perhaps misleading as most of us may remember the Hejduk's drilled three (3) test water wells in the hopes of revenue generation via harvesting well water for production to sell. He said as a result the desired water capacity was insufficient and it was not pursued. Mr. Frank stated however, the damage and disruption of the aquifers impacted everyone surrounding; wells needed to be re-dug; hot water tanks and plumbing had to be replaced and repaired because of the dirt that was introduced into everybody's wells. He said and the diminished water quality was also a significant result. Mr. Frank stated in fact the I-71 rest area was closed due to no water. Mr. Frank stated then a dedicated water line was run down Laurel Road for the solution of the rest area only, but not made available at all to any of the existing residences. Mr. Frank stated so there is water in the area, but the availability and the capacity are unknown. He said sure anything can be done, but at what cost and to whom is unknown.

Mr. Frank stated one fact regarding cost is if this rezoning application were somehow approved for the primary benefit of one parcel, all of us, each individual landowner over there would be required to pay \$500 each to process the paperwork for it to become R-1. Mr. Frank stated in fact there would be other costs if this premature application were to be approved, what would our individual infrastructure cost be? He said 40 years ago assessment charges were estimated at roughly \$3,000+ per foot if sewer and water was put in. Today what would that be, \$7,000 to \$8,000 per foot if we are held responsible for putting water and sewer in for this applied rezoning of one site.

Mr. Frank asked what will a dense development of 40 houses cost our school system, our first responders, our road maintenance and all of the other things associated with living in a community. Mr. Frank asked what is the cost of nature caused by disruption of the water flow during construction, the wildlife habitat and the clearing of trees, which can never be returned once it is destroyed. He said what will be the cost for our community when the high density, new community, is lured by the builders to enjoy Rural Residential Medina. Mr. Frank stated the last cost I will cite is the unknown impact this developer's integrity will have if approved. Mr. Frank stated they initially stopped at my house and described 27 lots for the target homes in the \$700,000 - \$900,000 range; but really intend to have 41 lots with starter homes and the area is already saturated with starter homes. Mr. Frank asked how can we possibly accept 41 new homes on 51 acres? Mr. Frank stated they have promised our Trustees that they will fund all the infrastructure cost as we just heard briefly with no binding legal commitment in place and these words will evaporate if the rezoning occurs prematurely without any documented costs and commitment. Mr. Frank asked, what are these benefits to everyone that they are saying to our Trustees and Township Officials? Mr. Frank stated, and finally, the rude rezoning applicant's sat on my patio and pointed at me while saying "this is going to happen whether I like it or not". He said we are at the mercy of our elected Trustee's decision and can only hope the research of the existing residences; the confirmation of expected services are indeed available and legally binding requirements are established before approving any rezoning of this magnitude for one 55 acre lot. Mr. Frank stated I make a motion to the Trustees to reject this outlandish application.

3. Nick Tomovich, 2300 W. 130th Street, Brunswick Hills, was sworn in. Mr. Tomovich stated his family owns the southwest corner of Sleepy Hollow Road and W. 130th Street and we've been there for 45 years. Mr. Tomovich stated he's never been to a ZC meeting, hasn't been to the township for anything. He said he is not for standing in the way of any progress as change is inevitable, but he has not seen any betterment of the community from the changes and build up this county has undergone in the last 40 years. He stated that his street, W. 130th, is barely passible now with the amount of heavy trucks that go up and down it now and it's a danger to people. Mr. Tomovich stated he would like to know if you have considered the county's supposed approval of this development and the term "water is available". He said what does that really mean and where is it going to come from? From the north, down W. 130th, from the south from Rt. 3, Sleepy Hollow – how is it going to affect me? He stated if Mr. Frank is right about \$8,000 a foot, I'm putting my property up for sale right now for the price of improvements because we cannot afford that. He said and the fact that the board has not looked into any proof, or does not have any legal documents regarding the sewer and water, nor does he have any money committed to that project is puzzling. He said we are going on the word of somebody who says he controls the property; is the property being bought, sold, transferred ownership? Mr. Tomovich said there are a lot of unknowns and stated he would like the answer tonight if you can. He said I urge you to not accept this proposal without you knowing exactly what is going on. Mr. Tomovich stated I don't know if you are all legal and responsible for your decisions, but if you were you might think differently because you will have a situation where you could really do harm to the community by your decision.

Chair Jenkins noted for clarification to the audience that the Zoning Commission is a volunteer board and we make a "recommendation" to our Trustees, who are your elected officials, for their action.

4. Steven James, 2040 W. 130th Street, Brunswick Hills was sworn in. Mr. James (no relation to the applicant) stated I just bought my land with the intent of living in a rural area and had to go through all the regulations of the township to build my home. He said I was required to buy two (2) acres; I was required to have a setback; I was required to stay far enough away from my stream to build my home; and now they get to come in and try to talk you into doing whatever they want, but I had all of these other requirements I had to do for the township because I wanted to be a resident. Mr. James stated if you pass this, I will guarantee you my house will never be built and I will move to a rural township where I want to reside. He stated he left Brunswick City because I didn't want to be in a residential area. He said he won't build his home now and will sell his land and he definitely won't sell it to them.

5. Jennette Mytyk, 2148 W. 130th Street, Brunswick Hills was sworn in. Ms. Mytyk stated Mr. James' (applicant) statement concerns me and I would like to see the legal land deeds that are only an acre in Brunswick Hills and Hinckley. She stated I thought you had to have at least two acres legally here. She

said I wonder how much money he is going to profit in rezoning and taking away our open natural areas. Ms. Mytyk stated the zoning has been like this for well over 40 years and I believe all the septic systems are still doing well if you take maintenance and care of them.

6. Dustin Duviaga, 1871 W. 130th Street, Hinckley, was sworn in. Mr. Duviaga stated he also just moved here seven months ago. He said I used to live in Richfield and the reason I moved out here was because Richfield was developing so big. He said if he develops, I will definitely sell my property and I will move. He said the whole reason he moved here was to get away from all of the big development and if they put this in, I am definitely selling my property.

7. Cristina Sirca, 1951 W. 130th Street, Hinckley was sworn in. Ms. Sirca stated she wanted to reiterate her neighbor's sentiments and said she's lived across the street from Brunswick Hills since 1995. She said she lived with her parents until we bought land across the street because we wanted our children to have the same rural growing up childhood I had. She stated she loves where she lives, the community, her neighbors and the woods and said this is not the city. Ms. Sirca stated if she wanted to live in the City she would have bought land in the city. She stated the street does scare me for my children because the road is heavily traveled with big machinery and cars going very fast. Ms. Sirca stated it would be very disheartening to see all of these big changes going in around us as it would affect everyone we know and life as we know it.

8. Stacey Thornton Swedberg, 2050 W. 130th Street, Brunswick Hills was sworn in. Ms. Swedberg stated my property is adjacent and I am north of this parcel that they are currently trying to rezone. Ms. Swedberg stated she wrote up a letter and it is signed by residents including some who could not be here tonight to reiterate how we felt in the area. She said everyone has been talking about the traffic in the area but let's think of it as another community there. She said there will be tons of children so are we going to put a stop light in there? Are we going to have people stopping on W. 130th now from Rt. 3 to Rt. 303 with semi's everywhere? She stated we have issues right now with the bus stopping and semi's stopping to actually let people cross the street. Ms. Swedberg stated she lives on W. 130th on the Brunswick Hills side but her children are zoned for Highland Schools so we have kids crossing the street on a daily basis in the morning during rush hour and in the afternoon between 3 pm and 4 pm when there is a lot of traffic. Ms. Swedberg stated this will add so many more incidences that could occur. She read her letter opposing the rezoning to the board (**Attachment 4**) and submitted the signed copies for the record.

9. Sorina Stroie, 1976 W. 130th Street, Brunswick Hills, was sworn in. Mrs. Stroie stated she has lived at this residence for over 24 years with her husband and three children and she had a decision to make when she moved in and that was based on living in the country and not in the city. She stated they moved here from Berea to get away from the city to have a better life and her children to enjoy nature and have animals. Mrs. Stroie stated I think this decision to change the zoning without the resident's opinions (you are listening to us right now) but to go ahead and change the zoning would be a slap in our face. She said for that I would recommend that they deny this for our sake. She stated I don't care what they do with their property if they do purchase it but for them to come out and tell me to change my zoning – that's not right. She said she doesn't go to their property and try to tell them how to change their zoning for the builders. Mrs. Stroie stated I moved here from Romania to a country that I thought I had a decision; so I can make that decision; not for somebody else to come in. Mrs. Stroie emotionally stated I am very upset that somebody can just come in and do whatever they want and to tell somebody that they are going to make that change whether they want to or not. Mrs. Stroie stated this is a free country; this is not a communist country; I came from a communist country and that is the reason why I came here; not for somebody to come out and tell me how to live my life or to add a burden onto my family; and that's not right. Mrs. Stroie stated thank you for listening and I hope you deny them.

10. Mark Russo, 1898 W. 130th Street, Brunswick Hills was sworn in. Mr. Russo stated he wanted to thank everyone who came up here and I agree with them. He said I live just on the north side of the Frank's on W. 130th and its beautiful land. Mr. Russo said one of the selfish things I think that I've been thinking about lately is if this whole area does get rezoned, the Frank's aren't going to live forever, what's going to happen to their land. Mr. Russo stated under the new zoning, I could easily have two or three backs of houses

looking at my two acres; or they could put a road in there and that concerns me. He said when we are talking about traffic, I think the whole area should not be rezoned – not even just their area because if we just do their area, just that plot of land, it is still going to bring in the traffic. Mr. Russo said the traffic is bad now and said Spectrum came to my house yesterday and needed a police officer to block traffic because they had to pull the lines up and pull them over the street. The cop came over the hill from the south and stopped right over the hill with their lights on and a dump truck came over and slammed on his brakes and almost hit her. He said it's a deadly hill and if you go out there now you will see the skid marks. He also stated he has seen numerous times where people have lost control when they come over the hill while the bus is stopped for the kids. Mr. Russo stated the traffic is already a problem and I hope you recommend not to do this.

11. Raymond Pick, [Representing Mount Pleasant United Methodist Church] 2768 Laurel Road, Brunswick Hills was sworn in. Mr. Pick stated he was representing the Mount Pleasant United Methodist Church on the corner of Laurel Road and W. 130th Street and their board sent him up here to express that they are against this rezoning. Mr. Pick asked if this does pass, is it going to change their tax rate? Zoning Inspector Evelyn Czyz stated yes. Mr. Pick stated it will raise it, right? Mrs. Czyz stated yes because then it is going to go by the (? word inaudible) of the value. Mr. Pick stated then in a way it would be a detriment to the people if he were allowed to do this. Mr. Pick stated he didn't think it was right if they had to pay higher taxes.

Mr. Pick held up a copy of the Brunswick Hills Township Zoning Map and stated according to your zoning, in that block on the west side of I-71 its already zoned R-1and I see a lot of open property there. Mr. Pick asked, so why take this block on the east side and make it an R-1 when you've already got R-1 on the other side? Mr. Pick stated it doesn't make sense, except that somebody is wanting to make money by putting in R-1 development that is going to ruin that block. Mr. Pick stated and another map I have shows that whole block as future mix-use Commercial. Mr. Pick stated that didn't make sense because it's been R-R for ever. Mr. Pick stated the whole block on this map is colored in for future mix-use Commercial. Mrs. Czyz referred to the large Zoning Map on the wall and said the property to the north of the subject property to Laurel Rd, which is in the city, is Industrial. I think there was the confusion because this block is the R-R and this block is Industrial, but it is in the City of Brunswick. Mrs. Czyz stated when the Comprehensive Land Use Plan was done years ago, I don't think the residents understood that this area is Rural Residential and this area is Industrial, but they are two different municipalities. Mr. Pick stated he was referring to the Comprehensive Land Use Plan. Mrs. Czyz stated she understands that and wanted to clarify where the proposed Industrial is now. Mr. Pick concluded by saying the Mount Pleasant Methodist Church is opposed to the rezoning.

12. Christy Frank, 1938 W. 130th Street, Brunswick Hills was sworn in. Mrs. Frank stated I am obviously opposed to this rezoning request and said the point has already been made but I would like to make it again. Those of us who live in this community chose to live here because of the fact that we do have a beautiful nature preserve around us. Mrs. Frank stated the James's are proposing that they want to create and maintain a beautiful nature preserve; it already exists. Mrs. Frank stated and the point you need to understand and why we are so opposed to this is because once we change that, there is no going back. We can't recreate what is already there and as a county that prides itself on promoting rural living, that is being eroded continually and it's up to you to recommend to the Trustees that this proposal be denied.

13. Dean Papay, 2065 W. 130th Street, Hinckley was sworn in. Mr. Papay stated I own property on both sides, in Hinckley and in Brunswick Hills and I am against the rezoning. He said the area that he (applicant) kind of trashed is home. Those 1-acre lots he is talking about – that's history. Those houses date back from 1830 – 1840 and that is why they are on 1-acre lots. Mr. Papay concluded by saying I am against it, period.

14. Teodor Stroie, 1976 W. 130th Street, Brunswick Hills was sworn in. Mr. Stroie stated I don't know if I can say anything else from what was already said because everybody in this room has heard the voice of the people here and they've paid taxes for many, many years. Mr. Stroie said and now a stranger from outside our community is walking in and he wants to change our lives and wants to make the city to be on his side and sign some papers for his benefit. Mr. Stroie said I hope the city will represent us, will understand us and you the volunteers who are here tonight do not let the people above you sign those papers.

He said if those papers were to be signed and there were to be changes against us that would mean we have no representatives; we cannot trust somebody who we voted for if they don't respect our wishes. He said 100% of the people here, except one person who wants the lot to do something, do not want this.

15. Mark Canna, 2822 Laurel Road, Brunswick Hills, was sworn in. Mr. Canna stated he was speaking on behalf of Maria Kipran who is the landowner seated behind me. Mr. Canna stated the point I wanted to make is that I was in a similar situation to this just outside of Buffalo and that is why I came here. He said its meetings just like this that actually cause the essence of a town to change. It doesn't seem like a big deal at the moment, but it turns into that. He said look at these people behind me; they are the real deal and they have and are working very hard for what they have and they have every right to enjoy that. Mr. Canna stated and everyone here is telling you the same thing and this not something that will sit well with them. Mr. Canna stated they've made a commitment to the community to earn the chance to say that and it's their right to say that. Mr. Canna stated I would just like you to be aware of that when you make your decisions. Things will change because of this and not for the better; then it will just go downhill from there. Mr. Canna stated I've seen it and maybe some of the people here have seen it.

16. Candice Lenart, 2832 Sleepy Hollow Road, Brunswick Hills was sworn in. Mrs. Lenart stated I would hope that you would be very, very careful on what goes on after this meeting. Mrs. Lenart named several neighbors in the audience that she lives near and referenced the McClure property. Mrs. Lenart stated Mr. McClure passed away and they sold his property and made it into a "worm farm". She said my children and my grandchildren don't want to come to my house because it smells like manure all the time. Mrs. Lenart stated and it was after a meeting like this that the voices weren't heard; they did want they wanted to do and I don't know if it was for money; I don't know how that got there. She stated she is so afraid that something like that is going to happen with this property. If you don't listen to the people that live there and pay their taxes and love the community then why are we doing this?

17. James R. McClure, 2976 Laurel Road, Brunswick Hills was sworn in. Mr. McClure stated he wanted to address the lady (Mrs. Lenart) who just spoke and said that property was sold after three years of being on the market. The reason my brother and I had trouble selling it was because it was deemed by my father to deed the property to the Medina park system and it was supposed to remain a scenic area with a lake and a pond, but they reneged on it after he passed away. He said we had no control over it then and they took out the lake and put their worm facility in and the rest is history. Mr. McClure stated I've lived in this area since 1949; went to the schools in Hinckley and played in these woods everyone is talking about when I lived on Sleepy Hollow right across from that area. He said I moved to Laurel Road after I got out of the service and bought a home with 6 acres right next to I-71 and my kids played in those woods. Mr. McClure said this is a slap in the face for someone to come in here and want to build like that in the middle of an area. There should be a lot better places to put homes besides that section of land there.

18. Christa Lilley, 2124 W. 130th Street, Brunswick Hills was sworn in. Mrs. Lilley said I just moved to the neighborhood. I bought 2 parcels totaling 3 acres for myself and my children and we came to that area because we wanted Rural Residential. She said had the zoning already occurred I would have never bought the properties; I've only been there a month now. She said already it is a busy street and my children have to cross that street and it scares the daylights out of me to add 40 new houses right there and the traffic. Mrs. Lilley said the woods are right there for the children; that's why we are there because I want them in that type of an environment. She said I want them to live in the country and have woods and room to roam. She said if those 40 houses come in they are two parcels down from me and its very, very concerning to us. Mrs. Lilley said my kids don't want to see it; I don't want to see it; the whole community does not want to see it and I certainly hope you take that into consideration.

19. Jennette Mytyk, 2148 W. 130th Street Brunswick Hills (still sworn in) returned to the podium. Mrs. Mytyk said after sitting and listening to everyone I do oppose this. She said if we need to I'll encourage everyone to get legal representation with me to see what we can do so I really hope they will listen to the people. She said and sometimes if we need to do that legally, we will.

Questions and Discussion

- **Mrs. Kijek**, board member, asked Mr. Brian James (applicant) where would the entrance be in the area where you want to build this? Mr. James stated it would be off W. 130th Street.

- **Mr. Nick Tomovich, 2300 W. 130th Street, Brunswick (still sworn in)** said we have a question on where the water is coming from and the sewers; which street is it going to be on, and at whose expense?

- **Mr. Brian James (applicant still sworn in) returned to the podium to answer questions.**

Mr. James said there is county water at Laurel Road and W. 130th Street so there would be public water. He said there was a lot discussed tonight and I definitely understand your concerns, but one of the things that was discussed was the aquifers and if this property can be developed R-1 public water will be brought down from Laurel Road. He said as far as the sanitary sewer it needs to get to the other side of the highway which is downhill; it is right on the other side of the highway.

Mr. James stated we have the Hejduk property under contract, we have not purchased it yet, but we hope to purchase it. He said at this point they have chosen to sell the property so I would assume that if we were not to develop it someone else might try to develop it and they have the right to sell their property. He said granted, nobody has the right currently to develop it other than Rural Residential. Mr. James stated there are three choices for the property (1) **Rural Residential** which would probably put about 20, 2-acre lots onto the parcel which more than likely would be well water, which would affect the aquifers. He said there would be on-site sanitary sewer disposal, which is septic systems and I know if they are new and maintained they operate fine but you are still dumping it into your backyard. Mr. James stated there is no way to develop the property Rural Residential and preserve in a permanent manner some of those woods. He said if you split it all up into 2-acre lots people will buy 2-acre lots and they are going to want to put in really big houses and they will want their backyards and those lots are going to go right up to the adjoining parcels to the north and the south. (2) **Industrial/Commercial** Mr. James stated an option on the end is Industrial or Commercial and there has been a lot of talk about the traffic and I don't think any of you would really want that property to be developed Commercially. Mr. James stated that is just not the proper parcel for that in my opinion and I don't think W. 130th Street was designed to handle that. He said definitely all of the woods would be cleared right up as far as they can right up to the riparian corridors so there would be acres and acres of woods that would be torn down. (3) **R-1** Mr. James stated but if it were to be zoned R-1 our plan and vision on what we are trying to do would have over 50% permanent open space; permanent open space for the community as a buffer to the north to the south and even to W. 130th Street.

Mr. James stated I know that the general public tends to see a developer and think developers are greedy and just trying to make a buck. He said I'm trying to make a living and I think through the years we've had a pretty good reputation. I have been in this field for over 25 years predominately in Summit County; in the early 90's I worked for the Summit County Engineer as the Allotment Engineer; I served 17 years on the Board of Summit Soil and Water Conservation District so we are really trying to do the right thing with this property.

Chair Jenkins asked the audience to speak one at a time as several interjected asking who pays for the sewer and water and asked Mr. James if he is paying for that. Mr. James stated yes we will pay to bring the sewer and water to the site. A woman from the audience asked if you will force us to tie in. Mr. James stated I would assume the only way you would be forced to tie into one or the other would be if your septic system was failing and then I don't know because that is the Health Department that would have nothing to do with me.

20. **Scott Simcic, 2071 W. 130th Street, Hinckley was sworn in.** Mr. Simcic said my first question is if he doesn't own the property what right does he have to come onto this man's property (Mr. Frank) telling him that this is going to happen whether he likes it or not. He said my second comment is if you are looking at 55 acres that you do this with the rules already being 2-acre minimums. Mr. Simcic said this other 200 acres gives him the opportunity to come in and buy all of the other properties around here and make them 1-acre lots. He said the roads cannot handle the traffic as it is – I almost got hit on the road getting my mail

from the mailbox. He said I will be directly across the street from the traffic coming in and out of the proposed development.

Vice Chair Mickas asked Mr. James if he can respond to those questions. **Mr. Brian James** stated as far as those comments the only other vacant property is the Frank property directly to the north which is only 35 acres and the Frank property is not that well situated topographically to split it all up into lots. He said even if he were to sell the property or decide to develop, I would think we have less than 40 on 55 acres; I don't know how many you could get but as far as the whole 200 acres being 400-500 lots is not a reasonable vision.

- **Mrs. Evelyn Czyz, Zoning Inspector**, said Mr. James you stated that you were going to leave at least 50% open space correct? Mr. James stated that is what our current working plan has. Mrs. Czyz asked if that open space includes the riparian and the wetlands. Mrs. Czyz also asked if the 50% be “useable” open space? Mr. James stated it's predominately woods but the riparian districts are in there. Mrs. Czyz stated I asked about the wetlands specifically. Mr. James stated we don't know where the wetlands are but we are assuming they are down in the low areas. He said we know where they potentially might be from the Planning Map. Mrs. Czyz pulled her copy of the plans and said from the plans that we have that you have presented to us I still want to know as the Zoning Inspector will that 50% include the riparian area, the existing streams and the wetlands. Mrs. Czyz stated there is a large amount of riparian areas and there is a large amount of wetlands on these parcels. Mr. James stated I have a copy of our current working plan if the Commission would like to look at it. Mrs. Czyz stated, my question is again, your 50%....Mr. James interrupted and said the riparian areas are in there yes they are. Mrs. Czyz stated so they are not “useable” open space because you can't walk on the riparian areas. Mr. James stated you can certainly walk down to that stream corridor and for recreational purposes it is certainly useable but you can't build anything down there.
- **Steven James, 2040 W. 130th Street, Brunswick Hills (already sworn in) returned to the podium.** Mr. James stated my property is in the riparian setback; where is your water going to go because right now it all comes through my property. When you develop this field into a concrete jungle, what are you doing to keep the water off my property because I am in that beautiful riparian setting that the township did not allow me build on, I had to stay away from it. Mr. Steven James asked again how are you going to keep the water off my property. Mr. Brian James said the water will all go to the west towards the highway. Mr. Steven James said but right now it all goes to my property; I watch it flow thru every time it rains. Mr. Brian James stated we can certainly look into it but the site flows to the west which is to the highway and we will follow all the rules. Chair Sandra Jenkins stated all we are talking about here is the rezoning we are not talking about the development of the property. Mr. Steven James stated well I just want to make sure because I am building a new \$400,000 home that I don't want to fill up with water because he paved everything. Mr. Steven James stated I was fortunate enough to buy my property from the same family; it's an estate, it's not just one person. Mr. Brian James stated I am aware of that. Mr. Steven James said so if you don't get to do what you want to do since you haven't bought the property, are you just walking away or are you going to stay and put something in on this beautiful land; or are you just taking the greedy part and leaving it for someone who cares about the residents. Mr. Brian James stated I think we would develop it Rural Residential if it came down to that. Mr. Steven James said so you still get to make your money without affecting all of our properties and everything I had to do to live in this township. Mr. Brain James stated I'm the bad guy up here but I still honestly believe that what we are proposing is more responsible than Rural Residential. Mr. Steven James stated well the township didn't believe so when I built mine; I had to build it for Rural Residential.
- **John Witthuhn, Brunswick Hills Trustee** asked the applicant for clarification. He stated you said if it's developed as an R-1 you would have water and sewer. You said if it is not developed as an R-1 then people are probably looking at well water and septic; why do you say that? Mr. James said because the property can't be developed Rural Residential with 2-acre lots with full utilities. **Mrs. Evelyn Czyz** stated yes it can. Mr. James said it most certainly could. Mrs. Czyz stated but you just said it couldn't. Mr. James said it could but nobody would. He said financially it cannot be done. Mr. John Witthuhn said are you saying its not cost effective for you to run the water and the sewer if it is Rural Residential? Mr. James said yes; nobody could develop it Rural Residential because financially it just could not happen.

- **Mr. Mike Esber Brunswick Hills Trustee** stated I live in a development that is 2-acres and we do have Medina County water; we do have septic systems, but we do not have wells so there is the ability to get water to a 2-acre lot. Mr. James said yes, possibly, the water is not out front it is all the way up on Laurel Road. Mr. James said possibly as there are areas that have water but no sewer.

Continued Discussion by the Board

Vice Chair Mickas stated if there aren't any further comments from the public he will open it up to the board for discussion. Mr. Mickas stated we got the Planning Commission report, their meeting was on September 5th, some of us got it in an email, some of us don't have email or don't check email and he wants to make sure the board has enough information if we were to be able to make a decision tonight. Secretary Milanko stated there were several petitions that were submitted tonight that the board members have not seen. Mrs. Porter said there was a great deal of testimony presented here tonight and I don't feel that I have really been able to digest all of this testimony. Mrs. Porter stated I would like to have a chance to review it because I don't feel I can vote until I have a chance to review the testimony that was made here tonight. Mrs. Kijek and Mrs. Murphy stated they agreed with Mrs. Porter. Secretary Milanko stated she would provide the board with a copy of the petitions.

Motion to Continue the Public Hearing to Thursday, October 4, 2018 at 7:00 p.m.

Mr. Mickas said with those statements being made, I would like make a motion to continue the hearing based on the Ohio Revised Code Section 519.12, E. which says we have 30 days after the public hearing to recommend the denial or approval. **Motion:** Mr. Mickas made a motion to continue the public hearing to Thursday, October 4, 2018 at 7:00 p.m. Mrs. Kijek seconds the motion. **Roll Call:** Mrs. Porter-yes; Mrs. Murphy-yes; Mrs. Kijek-yes; Mr. Mickas-yes; Mrs. Jenkins-yes. **Motion carries to continue the public hearing.**

The continued public hearing date and time was announced to the audience. Chair Jenkins stated the recommendation of the Zoning Commission to the Trustees will be made at the October 4, 2018 continued hearing.

Chair Jenkins made a motion to close the public hearing at 8:25 p.m.

Respectfully Submitted,

Mary Jean Milanko, Zoning Secretary

Sandra Jenkins, Chair

Date