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IN THE COUNTY OF PORTAGE
RANDOLPH TOWNSHIP
BOARD OF ZONING APPEALS

APRIL 27th, 2015
7:00 P.M.

Conditional Zoning Certificate
Parcel Number 28-055-00-00-018-001 (Sarchione)

Land Use Variance
Parcel Numbers 28-065-00-00-034 and
28-065-00-00-032-000 (Sarchione)

- - - - -

Proceedings at the Randolph Township
Senior Center, 1639 State Route 44, Randolph,
Ohio, taken by Julieanne Ross, RPR, and Notary
Public in and for the State of Ohio, on Monday,
April 27th, 2015, at 7:00 p.m.

- - - - -

ROSS REPORTING
3200 Courtwood Way
Stow, Ohio 44224
330-673-7367
Email: Rossreport@aol.com

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APPEARANCES:

Board of Zoning:

Bob Moledor

Mark Wise

Jason Bonecutter

Erin Myrla

Kevin Steiner

Also Present: Bruce Wagner, Zoning Inspector

1 MR. STEINER: It's 7:00 o'clock so we'll
2 get started. And we'll start off with let's stand
3 and say the pledge.

4 (Thereupon the Pledge of Allegiance was recited.)

5 MR. STEINER: I have an opening
6 statement that I would like to make.

7 I would ask that all in attendance
8 conduct themselves in a respectful and orderly
9 fashion this evening, both towards the Appeals
10 Board and toward each other as citizens of this
11 township.

12 Any questions that come to mind during
13 the course of this hearing must be addressed
14 directly to the Board and not directly toward any
15 other members of the audience.

16 When you have a question or concern to
17 voice, please raise your hand and you will be
18 called on. The Board will answer your question or
19 get the answer for you. Also, please state your
20 name and your address when you are called on.

21 And at concern points of this hearing
22 during the course of the hearing the Board may
23 vote to go to a private deliberation. This means
24 that we wish to deliberate in private. And we
25 will make every attempt to keep the deliberations

1 brief. And thank you all for attending.

2 Okay, we'll have the reading of the
3 first order of business.

4 ZONING INSPECTOR WAGNER: The first
5 order of business today is the conditional zoning
6 certificate which is to append the property that
7 at one time belonged to Matt Leonard, 4026
8 Waterloo Road, parcel number 28-055-00-00-018-001.
9 Basically adding this to the already existing
10 conditional use that exists at the hearing we had
11 a while back.

12 MR. STEINER: Okay, thank you.

13 Anyone wishing to speak on this
14 particular matter or think you might wish to speak
15 on this particular matter, please stand up and I
16 will swear you in. Are you going to speak?

17 ATTORNEY MOHR: I'm an attorney, I'm
18 sworn in under law.

19 (Thereupon, a collective oath was administered.)

20 MR. STEINER: Okay. In this particular
21 matter my first question is what particular use
22 for this parcel do you have in mind?

23 UNIDENTIFIED VOICE: A little louder.

24 MR. STEINER: I asked what particular
25 use for this parcel that they had in mind.

1 JOHN SARCHIONE: This parcel is going to
2 be used how the parcel kind of right behind it is
3 being used now. It's not part of the final
4 building development either. It's going to be for
5 like our off-lease vehicles, our employee parking,
6 fresh trade-ins, auction cars, kind of the back
7 corner of the property and stuff. It's away from
8 the new building once it's finished there.

9 MR. STEINER: Okay. And are you
10 planning any buildings on that site?

11 JOHN SARCHIONE: No.

12 MR. STEINER: Or driveways per say or an
13 entrance to your --

14 JOHN SARCHIONE: Just the existing one
15 that's there.

16 THE REPORTER: Excuse me, could I get
17 your name and address, please?

18 JOHN SARCHIONE: John Sarchione, 3961
19 South Mahoning, Alliance, Ohio. You wanted my
20 home address, right?

21 THE REPORTER: Any address for the
22 record. Thank you, sir.

23 MR. STEINER: Thank you.

24 Okay, at this time any questions
25 regarding this property from the Board?

1 MS. MYRLA: What is the frontage on that
2 lot? It wasn't on the submittal.

3 JOHN SARCHIONE: 105 feet.

4 UNIDENTIFIED VOICE: Did you get that
5 for the record?

6 MS. MYRLA: In terms of the application
7 itself, a conditional zoning certificate
8 application should be accompanied by many things
9 as stated in the book. All I think that was
10 submitted was the application. And if I'm not
11 mistaken I think probably Bruce printed this off
12 for us, the GIS photograph (indicating).

13 So do you have other plans or amendments
14 to this application you'd like to offer us?

15 ATTORNEY MOHR: At this time we have no
16 other supporting information, but we can submit
17 that to the Board upon request.

18 THE REPORTER: Excuse me, your name and
19 address, sir?

20 ATTORNEY MOHR: Matthew Mohr, 2040 South
21 Union Avenue, Alliance.

22 MR. STEINER: Are there any other
23 questions from the Board at this moment?

24 Okay, any questions or comments from the
25 audience? Yes, ma'am?

1 BETH KLEIN: If I can ask a question.
2 My name is Beth Klein. My mom is not able to be
3 here today, Annette Klein, 1690 State Route 44.

4 Am I -- it's been very difficult for me
5 to find information online. Can you read exactly
6 what was proposed or do you have copies for us to
7 look at for this conditional that you're going to
8 change now that was presented? Can you read it
9 or --

10 MR. STEINER: For the subject that we're
11 on right now?

12 BETH KLEIN: Correct.

13 MR. STEINER: Well, Bruce, could you
14 read that again, please?

15 ZONING INSPECTOR WAGNER: Here's a copy.
16 This is for the property abutted up to the General
17 Motors plot down on Waterloo Road.

18 BETH STEIN: I'm saying it's difficult
19 for us to make an educated, informed decision if
20 we don't know what we're deciding.

21 And my next question is -- because I
22 think the whole group needs to hear it. And my
23 next question is are the May 2005 zoning in
24 regards to the conditional, have they been changed
25 at all since to this date or do they remain the

1 same as 2013? I could not find that online
2 either.

3 MR. STEINER: You mean as far as the
4 zoning resolution?

5 BETH KLEIN: In regards to that
6 conditional permit that you're asking for and all
7 the addendums that need to be attached to it, is
8 it the same that was in your 2005, which is the
9 only record that I could find.

10 MR. STEINER: That particular section
11 should be the same.

12 BETH KLEIN: Okay, then there are
13 multiple pieces that are missing.

14 MR. STEINER: Right.

15 BETH KLEIN: So then it's not a complete
16 application.

17 MR. STEINER: That's correct.

18 BETH KLEIN: So then it can't be
19 discussed, or considered or voted upon?

20 MR. STEINER: Well, the question is if
21 we can -- we can't really vote on it without
22 having all the information we need.

23 BETH KLEIN: So is it a moot point at
24 this time?

25 MR. STEINER: No, it still bears

1 discussion, at least on this particular plot.

2 BETH KLEIN: Then I believe everyone
3 assembled here should know what it says.

4 MR. STEINER: Right. Would you like to
5 go through that?

6 MS. MYRLA: Sure. I will read -- it's
7 on 4-7 and it is Section 401.02, Procedure For
8 Filing an Application, C, Plans Required With an
9 Application.

10 "Number 1, four copies of architectural
11 plans for the redevelopment or modification to
12 existing structures on the site showing exterior
13 elevations and building floor plans.

14 Number 2, four copies of the site plan
15 which shall be drawn at a scale of not less than
16 one inch per 100 feet for the development showing
17 the following items:

18 A, general vicinity map at a scale of 1
19 inch to 1,000 feet or 1 inch to 2,000 feet. And
20 it shall show proposed development in relation to
21 existing streets, subdivisions, landmarks and
22 community facilities.

23 B, property lines. C, elevation
24 contours at 2 foot intervals. D, traffic and
25 circulation habit plans. E, adjacent streets and

1 roads, width of right of ways. F, parking and
2 loading plan including dimensions, location and
3 numbers of all parking and loading spaces.

4 G, landscaping plans, including parking
5 lot landscaping. H, grading and erosion/sediment
6 control, surface drainage/storm water management.
7 I, proposed signage location, height, dimensions
8 and materials, including signs proposed to be
9 painted on structures.

10 J, all existing structures and uses. K,
11 utility plans and locations of existing utilities
12 and easements. L, existing wetlands, ponds,
13 streams, springs, lakes and the location and
14 direction of all water courses, existing drainage
15 channels and structures.

16 M, location of all areas subject to
17 flooding or storm water overflow. N, wooded
18 areas, areas in agriculture and any other special
19 natural features other than in item 1. O,
20 locations of any fences, screens, walls or other
21 landscaping features and the design and materials
22 to be used.

23 P, open spaces proposed clearly
24 delineated. Q, location, type and screening
25 details for all waste disposal containers shall be

1 shown." And finally, "R, location of all existing
2 and proposed public and private sidewalks, drives
3 and paths."

4 BETH KLEIN: Am I correct then that this
5 current piece that you gave to me to read is the
6 current conditional that's being attached onto
7 what was already given?

8 MS. MYRLA: No, this is on its own lot.

9 BETH KLEIN: This is on its own lot?

10 MS. MYRLA: This is a separate lot,
11 separate issue.

12 BETH KLEIN: Thank you.

13 MS. MYRLA: You're welcome.

14 MR. STEINER: Okay. Any other questions
15 from the audience at this moment? Comments? Yes,
16 sir?

17 GARY HORNING: Yes, Gary Horning, P.O.
18 Box 340, Randolph.

19 I have a question for the Board and it's
20 more of a procedural sort of thing. We've been
21 through this before at other variances and zoning
22 conditionals.

23 How does the Board make a decision
24 without the information that Beth was just talking
25 about? I mean, according to our resolution you

1 need to have that to make an educated decision. I
2 know that if I was sitting on the Board I would
3 need it.

4 I know Erin asked them the frontage, so
5 apparently it wasn't turned in with theirs. So
6 how do you guys plan to move forward with this if
7 you don't have the drawing?

8 MR. STEINER: Well, we haven't made any
9 decisions yet at this time. And we're not even
10 saying that we can right now, but we are gathering
11 information.

12 GARY HORNING: Okay. And I would just
13 like to bring this up, because it's very important
14 to me and I'm sure other folks here, that they are
15 supposed to be with the application. And that way
16 when we all come out -- you can see several people
17 here tonight -- that the information is here, you
18 can make a decision which is timely for the
19 applicant, we can participate in the hearing and
20 everybody can go home.

21 But as it stands, we keep getting
22 incomplete applications, we all come out, we sit
23 here.

24 So I guess my question is does the Board
25 have any desire to change that so we all don't

1 have to keep coming back all the time?

2 MR. STEINER: Certainly we do. But, you
3 know, we can only deal with what we're given.

4 This is what we're given right now. So
5 at this stage, you know, since we're all here,
6 like I said, we're gathering the information that
7 we can and may or may not be able to make a
8 decision based on what we gather.

9 GARY HORNING: So correct me, what I'm
10 hearing is that you feel that you need to act on
11 what information you do have. And where would we
12 go to make sure that we see that the application
13 when it's sent and we come up here that it is
14 complete? Who would we talk to?

15 MR. STEINER: Well, probably the Zoning
16 Inspector I would guess.

17 GARY HORNING: Okay, thanks.

18 JOHN SARCHIONE: You know, on my
19 conditional use that you guys gave me before and
20 gave me all the things that I had to live up to on
21 it, you know, in the past things, which I have --

22 MR. STEINER: Are you talking with
23 regards to GM?

24 JOHN SARCHIONE: The other ones that
25 passed where we didn't have say all the

1 information on there. And you said, okay, you can
2 have this, Sarchiones, but you have to do X, Y and
3 Z. And I fulfilled everything that you guys had
4 me to do.

5 And, you know, if there's certain things
6 that I would have to do attached to that, I'd
7 be -- you know, you guys are the ones that make
8 the decision on that. If I have to fulfill X, Y
9 and Z for you and give you the direction to it,
10 attach that to it to tell me what I have to do.
11 And, you know, if it goes that way then I have to
12 do it and I will do it, okay?

13 ATTORNEY MOHR: This use application was
14 filed in conjunction with the property that this
15 is contiguous to and adjacent to. It's zoned
16 properly. We have a conditional use certificate
17 for this portion as well as a number of other
18 portions for the SAS property.

19 This was essentially thought to
20 piggyback off of that adjacent property that this
21 is right next to on Waterloo, contiguous thereto,
22 and essentially used for the same principal
23 purpose.

24 MR. STEINER: With the exception there
25 is no building plan for that.

1 JOHN SARCHIONE: There is zero building
2 plan for that.

3 MR. STEINER: It's strictly for parking?

4 JOHN SARCHIONE: Yeah. It's going to
5 get a little tight until the transition happens
6 from where we go to the new building, tear down
7 the old building. And then that's going to be
8 kind of -- you see how we display stuff now.

9 Just used trades are back here. The
10 Ford store will keep that stuff away. Lease
11 turn-ins have to sit there for two or three months
12 until we get done with every lease turn-in.
13 Employee cars, that forgot-about stuff will be
14 over there that you don't want that right around
15 the new building.

16 So there's no plans for any paving, it's
17 not part of the project. There is no plans for --
18 you know, all we kind of did was raze where the
19 Winters' house was at. And then the back parking
20 lot that he was currently using was pretty much
21 gravel from what he had back there, to freshen
22 that up and that was it.

23 I mean, there was no grass all the way
24 up to the back of his house, there was nothing.
25 The little bit of grass that was there is still

1 there in front of the sidewalk and stuff. That's
2 as far as the plans go for that.

3 But if there are certain things you
4 need, the Board needs me to do or us to do, you
5 know, we're open to that, too, for attachments to
6 it, okay?

7 MR. STEINER: Okay.

8 ATTORNEY MOHR: And in that spirit, if
9 you look at the conditional use considerations of
10 I guess maintain the harmonious spirit behind the
11 zoning regs, blending in with the surroundings,
12 things of that nature, you know, it's going to be
13 operating and maintained in accordance with the
14 existence plans they've had.

15 Essentially it's just an addition to the
16 property where we've been offering the conditional
17 use to date so far. We're not increasing or
18 creating any hazard to the neighbors. Essentially
19 we're the only neighbors aside from the bank
20 there.

21 JOHN SARCHIONE: Yeah, when I bought the
22 property Matt previous already had the line
23 already excavated to the driveway and stuff.
24 We're quoting it out now to get some of that put
25 into landscape up along the back up to the front

1 with some of the bank's permission, too. They
2 want it to look better, too. They want
3 improvements.

4 We made even similar to what Matt
5 already had in gravel, we're going to back off
6 into, you know, you'll see that in the next month
7 or so with a bed that kind of follows all the way
8 around the edge of the property and stuff.

9 MS. MYRLA: Along which property line?

10 JOHN SARCHIONE: Chase Bank and the
11 current property.

12 MS. MYRLA: Brings me to my next
13 question, perfect segue, Mr. Sarchione.

14 In Section 560.03 within the general
15 commercial regulations it says the maximum lot
16 coverage, "No more than 75 percent of any lot may
17 be covered by building and impervious surfaces."
18 Gravel is fine, but at least 25 percent of the lot
19 shall be landscaped and grassy yard area.

20 JOHN SARCHIONE: All I was given to work
21 with at Matt's was his house. And if Matt was
22 here he'd tell you, there has to be an old picture
23 somewhere. It was he had took the topsoil and
24 everything off all the way up to the garage. If
25 you know where the house was at, it was from me to

1 to you to the sidewalk where the grass was a
2 little bit around there.

3 So to bring some of that back is going
4 to -- you know, I didn't have anything to work
5 with to start with, so how we're going to get some
6 back, or try to.

7 MS. MYRLA: So if you're saying you
8 can't do that, will you be asking for a variance
9 from that?

10 JOHN SARCHIONE: To what, put a flower
11 bed in?

12 MS. MYRLA: No, to lessen the 25 percent
13 of your lot being landscaped or grassy area.

14 JOHN SARCHIONE: I never thought of
15 adding the green space that wasn't there, but we
16 have to do something with it, yeah.

17 What could be, you know, a possibility
18 is like with our Alliance store, we brought some
19 of the properties down through there. We didn't
20 need the driveways, we filled them in with grass
21 and then added -- you know, we don't really need,
22 being that the Horning Building had a driveway
23 when it was separate. Matt's had a driveway
24 because they were separate owners at that time.

25 We don't really need a huge driveway

1 like the Ford store over here. The Juniors had it
2 all wide open, then we put that tire in front
3 there because we didn't need a free-for-all
4 parking like the corner is, you know, this side
5 where the Ford store is at, there is no barrier
6 between there. So, yeah, we could put, you know,
7 actually could put one of the driveways in.

8 ATTORNEY MOHR: It seems a little
9 premature to talk about a variance at this point.
10 I think we'd like to explore the option of
11 creating that green space and creating that buffer
12 zone for not only Waterloo, but the bank and the
13 side as well. And if and when it seems like it's
14 going to be impractical and/or burdensome or
15 costly, at that point that might be a time that we
16 would discuss a variance. But at this point we'd
17 like to explore creating the green space if at all
18 possible.

19 JOHN SARCHIONE: Other businesses, I
20 Joey had a picture of how the Alliance lot is, it
21 has shrubs and bushes and plants all along the
22 entire frontage. It just looks good, you know.

23 So right now I know it's just a piece of
24 gravel up there, it doesn't look the best, but we
25 can't do it all overnight. But the weather is

1 breaking, so you'll see some changes in there.

2 How much of trees -- I'm not going to
3 plant trees in the middle of it, of course, but
4 around the edge we'll make it look better, fill
5 the driveway in, topsoil it and add some stuff,
6 too.

7 ATTORNEY MOHR: It will look better as a
8 possibility of green space.

9 MS. MYRLA: Exploration of it as a
10 possibility isn't quite the answer I was looking
11 for, because it is what is required by the zoning
12 resolution.

13 ATTORNEY MOHR: Well, it's our intent to
14 create as much as we can. I guess it comes back
15 to what we can do as a practical consideration for
16 that lot there. And then also we had also been
17 discussing the possibility of potentially merging
18 that lot with the whole. It's something we have
19 been discussing, exploring.

20 We haven't had the opportunity to really
21 sit down and start cranking on some paperwork. I
22 was with the surveyor today picking up some maps
23 and it was a topic for consideration that he and I
24 had that it's something that we would also like
25 to -- in terms of the exploration, not so much as

1 to, one, can we do it in a practical sense, 2,
2 also potential merging those lots. Because I know
3 that will impact the consideration of the green
4 space required.

5 JOHN SARCHIONE: And I'm not worried
6 about the frontage along between Chase and us
7 there because we're not displaying cars there.
8 Those were the forgotten ones, but we did plant
9 some shrubs and trees in between Chase Bank out
10 front there. I mean, that option is there.

11 MS. MYRLA: Well, I'm glad you brought
12 that up, too, because in Section 800.14A5 says
13 parking lot perimeters, "When abutting
14 non-residential uses, a minimum landscape buffer
15 of 3 feet is required from lot lines."

16 It also goes on to say, "There shall be
17 a minimum of one shade tree per 40 feet of
18 perimeter." So keeping that in mind, that might
19 be an area where you could put your 25 percent.

20 JOHN SARCHIONE: Like I said, I bought
21 in February and like I said, if you guys tell me I
22 have to do X, Y, Z on that lot, I'm all ears for
23 it, okay.

24 The lines, if buying the property when
25 it was Matt's would I have put it back that close

1 to there, probably not, you know. The buffer
2 definitely is an option, yeah. I just want to see
3 what comes through, what Chase wants, too.

4 If Chase tells me as a neighbor there,
5 hey, we'd rather not have that, I'm going to
6 listen to them, too, you know, if they like the
7 idea that I have. I'm just not going to do
8 something on my property on my side and then not
9 have them like it, too, you know.

10 MS. MYRLA: Are you planning any
11 lighting for this particular lot?

12 JOHN SARCHIONE: Not right now.

13 MS. MYRLA: Any signage?

14 JOHN SARCHIONE: No.

15 MR. STEINER: Is there a sidewalk in
16 front of that, along the front of that lot right
17 now on Waterloo?

18 JOHN SARCHIONE: Yes.

19 MR. STEINER: What kind of condition is
20 it in?

21 JOHN SARCHIONE: I would say it's in the
22 condition that is passable, walkable. Are we
23 going to probably replace it once the project is
24 done, yes, okay? It's better than most of all the
25 sidewalks here on 44. But does it got cracks and

1 chunks out, yes.

2 But it's good where it's at. Finally
3 got a piece of property that has an actual
4 sidewalk, so I know where it's at. Am I going to
5 replace it, improve it, I mean, who knows.

6 MR. STEINER: What's the distance
7 between the sidewalk and the road, do you know
8 roughly?

9 JOHN SARCHIONE: No. I think the center
10 of the road is 30 feet from right on the other
11 side up here. So whatever the sidewalk is minus
12 the center of the road, but I'm not exactly sure,
13 no.

14 MR. STEINER: Any other members of the
15 Board have any questions at this time? Any
16 members of the audience? Yes, sir?

17 HOWARD KLEIN: Howard Klein, P.O. Box
18 204, Randolph.

19 I don't think we're talking options
20 here. Somebody throws out the word options, we
21 could do this or we could do that. We really need
22 to get it in writing to the Board and state we're
23 going to do this at this stage of construction,
24 you know.

25 It has to be something written down.

1 You can't say, well, I might do this or might do
2 that. Plus, (inaudible) also submitted a letter
3 from Soil and Water Conservation in our zone.

4 You had stated about the four copies of
5 the architectural plans and four copies. The one
6 thing you missed is the Zoning Inspector shall
7 issue a document to be posted in a conspicuous
8 place on the subject property attesting to the
9 fact that the activity is in conformance with the
10 provisions of this resolution.

11 In other words, we need to be aware of
12 what they are doing, when they are doing it
13 they're meeting all of our O.D.O.T. and OSHA
14 standards and know that our Zoning Inspector is
15 following up on that construction to make sure,
16 like you said, silt fencing, safety fencing, all
17 those erosion controls.

18 Concerning the trees, okay, in Section
19 710.12 it says, "Tree preservation and care during
20 construction, every effort shall be made during
21 construction to preserve existing healthy trees
22 and shrubs on site." That's something that needs
23 to be taken into consideration.

24 On the lighting under 710.12, it simply
25 states, "No exterior lighting used for parking."

1 That's an article rule. No lighting for parking
2 lot.

3 A question about the auction cars. I've
4 been to car auctions that are covering, you know,
5 who knows how many cars. So that's something you
6 need to ask and get into more depth, how many cars
7 are you going to have in auction, how is the
8 auction going to be done, how are we going to
9 control parking for the people coming in for the
10 auction, all these issues.

11 Excuse me, please let me finish first.
12 All those issues need to be looked at first, you
13 know. A car lot can draw a lot of people. Look
14 what happens with the fair with just auctions.

15 So having enough space for an auction
16 here in town I don't think is.

17 MR. STEINER: Excuse me. Are you
18 planning on having auctions here?

19 ATTORNEY MOHR: We're not having
20 auctions at this facility.

21 HOWARD KLEIN: It was mentioned.

22 ALEX SARCHIONE: Yes, they pick the
23 vehicles up and take them to the auction.

24 HOWARD KLEIN: So we're using our
25 township for parking, storage of property? But

1 anyway, that's just my own opinion.

2 I think we go back to the basics. Our
3 zoning laws simply state this, "No variances shall
4 be granted where the proposed development for use
5 would be contrary to the use prohibited under
6 Section 740."

7 In the same thing it says, "No variance
8 if the property owner purchased the property with
9 the knowledge of the zoning restrictions." Any
10 resident or business must prove hardship before a
11 variance is granted.

12 MS. MYRLA: Mr. Klein, I hate to
13 interrupt you, but we're just talking about a
14 conditional use request right now. And you are
15 right, those are the standards for a variance, but
16 that's not what we're talking about right now.

17 HOWARD KLEIN: Oh, I'm sorry, I thought
18 you said variance.

19 Anyway, I just think whatever we approve
20 we need to be responsible and for all stages of
21 construction, because in the past with all these
22 conditional uses there's been no silt fencing over
23 here. There was a hole six foot deep with no
24 safety fencing around it, no cones. The equipment
25 was tracking mud out on our streets. I mentioned

1 it to some people on the trustees. They said,
2 well, you have to go to the Ohio Department of
3 Transportation or the Ravenna Planning Commission
4 or Ravenna Engineers.

5 MR. STEINER: Mr. Klein, we're not
6 talking about anything across the street we're
7 only talking about the conditional use for the lot
8 when I Chevy here.

9 HOWARD KLEIN: But I'm just pointing out
10 that the past conditional uses that we've given,
11 these things aren't being followed. I'm worried
12 about the same thing happening again.

13 We need to be responsibility for parts
14 of whether they are putting gravel down or storm
15 water retention and storm water planning run-off.
16 We need to be active in that as the Zoning
17 Inspector.

18 We're not saying don't develop, but what
19 we're trying to say is follow the rules and
20 guidelines. We can't just leave it up at the air,
21 somebody has to police this. And I don't think
22 that's been happening, so --

23 MR. STEINER: Okay, thank you. Any
24 other questions or comments from the audience?

25 BETH KLEIN: I do have a question, I

1 guess a comment and a question.

2 The attorney did say that if later at
3 some point in time they may have to consider a
4 variance depending on how things went, but that
5 their intent was to work with their bank and the
6 neighbors. So I guess it was mentioned what
7 forward thinking to what might be.

8 My question is the properties that are
9 down by the bank now that you talked about the
10 contiguous property that you're asking for a
11 continuance to attach to that in essence; correct?

12 You're adding on a conditional zoning
13 certificate on the contiguous property down near
14 the bank; is that correct?

15 ATTORNEY MOHR: The property --

16 MR. STEINER: Excuse me, address the
17 Board, please.

18 BETH KLEIN: Is that correct?

19 ATTORNEY MOHR: The property that we're
20 seeking the conditional use certificate on is
21 between the bank and the property that is
22 currently under the conditional use certificate
23 also on Waterloo. So this is contiguous property
24 to SAS property and adjacent to the conditional
25 use certificate that's in place now.

1 And I think it's worth noting, and we
2 could acknowledge we are missing some information
3 here and we can supplement the application if it
4 so pleases the Board. I think it's important to
5 note though that the property as it stands is
6 substantially unchanged since it changed hands.

7 I believe when the property was
8 purchased its in the condition it is in today?

9 JOHN SARCHIONE: Correct.

10 ATTORNEY MOHR: So essentially we're not
11 looking to change the lay of the land, we're not
12 looking to grade it. Essentially we're just
13 looking for a conditional use certificate so we
14 can park the vehicles on it or have the automotive
15 use there.

16 So it's contiguous to the property we
17 have it on now, it's within the commercial zoning
18 there. And it's just essentially additional land
19 there for us to conform and continue with what we
20 have, which has been within the confines of the
21 conditional use.

22 BETH KLEIN: Sir, am I correct in
23 understanding correctly that a conditional zoning
24 certificate is requested and approved prior to
25 changes that are made; is that correct?

1 MR. STEINER: Prior to the use that the
2 conditional zoning is for.

3 BETH KLEIN: Okay. So the zoning
4 stands, and then an application for conditional
5 zoning certificate is received, then the changes
6 can be made once that's approved. Is that
7 correct?

8 MS. MYRLA: What changes are you -- in
9 terms of the use of the property?

10 BETH KLEIN: Whatever the use is.
11 Anything that's changing the zoning. Anything
12 that is conditionally changing it, it has to
13 happen before those changes are made; is that
14 correct.

15 MS. MYRLA: It's not a change in zoning,
16 if you will.

17 BETH KLEIN: No, it's a change in how
18 it's going to be used.

19 MS. MYRLA: It's a listed -- it's a
20 listed conditional permitted use in the book.

21 BETH KLEIN: But it happened before that
22 actually occurred, the approval on the granting of
23 it.

24 MS. MYRLA: If I'm understanding you
25 correctly.

1 BETH KLEIN: Then am I correct that the
2 conditional zoning for the property that they are
3 talking that's contiguous to what we're talking
4 about tonight, it's hard without the papers to
5 know the numbers.

6 Am I correct that in this case it was
7 actually done in the wrong order, that the changes
8 were made and then they applied for a conditional
9 zoning? Is that what happened?

10 MS. MYRLA: Are there vehicles on the
11 property now?

12 ATTORNEY MOHR: There are some vehicles
13 on the property now.

14 BETH KLEIN: So then am I correct that
15 we're asking to consider, even though it's an
16 incomplete application, to consider an application
17 to something that's already existing that was done
18 illegally or against zoning, am I correct?

19 MR. STEINER: Well, unfortunately in the
20 climate of our township the zoning is somewhat of
21 a reactive basis anyway. If you were here a week,
22 two weeks ago, we granted uses for signage to
23 alleviate the signage that's been illegal for in a
24 couple cases years. So it's not uncommon.

25 We don't have a police force that goes

1 out and tickets people for zoning violations.

2 BETH KLEIN: But it seems to me
3 respectfully that we have an opportunity now to do
4 it according to the zoning that people worked
5 very, very hard to establish to keep the township
6 center to make a good relationship between
7 businesses and residences. And it seems to me
8 that we're not doing it according to the zoning
9 laws at all.

10 MR. STEINER: Well, I beg to differ with
11 you. There are many cases where, yes, the zoning
12 laws are followed.

13 BETH KLEIN: In this particular case we
14 have not, this Board has not.

15 MR. STEINER: The Board is not a police
16 force. All we can do is act on applications that
17 we receive. And what's been done prior on that
18 piece of property, we can't answer for.

19 BETH KLEIN: But we can -- the Board has
20 a responsibility in my mind to look at this piece
21 now, this application for conditional zoning.

22 MR. STEINER: That's correct.

23 BETH KLEIN: And my question was
24 answered, that the other one did not follow -- I
25 don't know this Board, but this particular Board

1 did not follow its own township zoning.

2 MR. STEINER: I don't know what you're
3 referring to.

4 THE REPORTER: Excuse me, can you state
5 your name and address, please?

6 BETH KLEIN: My name is Beth Klein, I'm
7 the daughter of Annette Klein who is unable to be
8 here tonight, 1690 State Route 44.

9 MR. STEINER: Any other comments or
10 questions?

11 HOWARD KLEIN: Sidewalks were brought up
12 a little bit ago in the back. Sidewalks have been
13 kind of an issue.

14 First of all, it really shouldn't matter
15 whether it's gravel or concrete, gravel over
16 concrete, dirt, whatever it is. For our town to
17 look nice downtown, a nice concrete four-foot
18 sidewalk adds to the appearance.

19 Right now we have parking across into
20 the state right of way because the property lines
21 are behind the sidewalk. But let me finish.

22 I looked at this about standards for our
23 township. When we put in the sewers we were
24 required to replace our sidewalks to four-foot
25 concrete sidewalks. When we did that or when we

1 was told that, therefore, that became our standard
2 in Randolph. That became our standard.

3 So nothing else -- when people said you
4 have to replace the sidewalk, it should be a
5 four-foot concrete sidewalk, not asphalt, not
6 dirt, not gravel. And it should be done at the
7 time of development and construction starting just
8 for the appearance of our town.

9 I mean, we're not -- we can nitpick this
10 to Napa, but let's all look at what we have in
11 Randolph and try to make it with developing
12 business and try to make it nice with good
13 planning and good development insight, okay?

14 Anyway, that became our standard. Now,
15 if we were required to put in four-foot concrete
16 sidewalks, why then does somebody else get away
17 with putting in a straight asphalt parking lot?
18 That's my question.

19 MR. STEINER: Where are you talking
20 about?

21 HOWARD KLEIN: I'm talking about over
22 here.

23 MR. STEINER: Well, we're not talking
24 about that.

25 HOWARD KLEIN: I know, but he was

1 talking about sidewalks on his property and there
2 was nothing mentioned about replacing them.

3 I want to make sure if he replaced those
4 sidewalks it needs to be replaced by our
5 standards, which is a four-foot concrete sidewalk
6 in the state right of way on the other side of the
7 parking lot.

8 MR. STEINER: Where is it written the
9 definition of a sidewalk?

10 HOWARD KLEIN: It became -- in our rules
11 basically once he pulls the new concrete sidewalk,
12 that became our standard from the way I read our
13 regulations. Once that was stated, that became
14 our standard. Which our standards should be
15 followed by everybody.

16 You know, this is like really silly
17 because putting a concrete sidewalk in is no more
18 money than asphalt, this and that. We're talking
19 about the appearance of our town.

20 Look how nice Sue's looks around her
21 lot. And she wasn't required to do that, but look
22 how nice that looks. Let's do something nice for
23 us instead of letting somebody get away with
24 something because we're not specific.

25 LEE JENIOR: Lee Jenior, 1664 Stepping