

SUFFIELD TOWNSHIP
BOARD OF ZONING APPEALS
8:00 P.M., NOVEMBER 15, 2012
PUBLIC HEARING

- - - - -

Held at Suffield Administration Building
1273 State Route 43, Suffield, Ohio 44260

Board members:

Mark Frisone, Chairman
Donald Monroe
Victoria Vincent
Andrew Grow
Leo Weakland

Present:

Adam Bey, Secretary
Jocelyn S. Harhay, court reporter

P R O C E E D I N G S

1
2
3 MR. FRISONE: I apologize, folks, for
4 making you wait. I had to pick up a kid from
5 wrestling practice.

6 Good evening. My name is Mark Frisone.
7 I'll serve as the chairperson for tonight's Board of
8 Zoning Appeals hearing. Joining on the Board
9 tonight is Mr. Andy Grow, Miss Vicky Vincent, Mr.
10 Don Monroe, Mr. Leo Weakland.

11 These are legal proceedings. As such, I'd
12 like to try to swear everybody in at one time. So
13 if you all please rise and raise your right hand.

14 (The oath was administered.)

15 MR. FRISONE: Very well. Pledge of
16 Allegiance, if I could. I should have had you stay
17 standing.

18 (The Pledge of Allegiance was performed.)

19 MR. FRISONE: Thank you very much. Before
20 giving any testimony tonight, it's, because these
21 are legal proceedings, it's required to give your
22 name and address for the Record. As you see, we
23 transcribe the minutes.

24 Would you care, Mr. Bey, to read the
25 request before us this evening.

1 MR. BEY: Sure. The zoning request was for
2 the applicant Wingfoot Lake Properties, LLC, P.O.
3 Box 3104, Akron, Ohio. The zoning request from the
4 above applicant is for the purpose of operating an
5 asphalt and concrete construction company to include
6 office and storage of trucks and repair and storage
7 of materials. The property is located at 546
8 Waterloo Road. It's in the I-1 zoning, I-1
9 industrial zoning district and has been denied
10 because it is not a permitted use in the indicated
11 district and thus requiring either a zoning variance
12 or an amendment to the resolution.

13 Note, the home of the company is -- the
14 name of the company is Akron Precision. Other
15 explanation is this is a nonpermitted use in an
16 industrial district and will require use variance.

17 This was signed by Mr. Albertoni on the
18 12th of October, 2012.

19 MR. FRISONE: Thank you very much.

20 At this time, we'll turn the floor over to
21 the applicant.

22 And tell us what you want to do, why you
23 want to do it, and why the Board should consider
24 your request.

25 MR. TUCKER: Craig Tucker. Wingfoot Lake

1 Properties owns the property that was previously
2 mentioned. And we would like to have a company that
3 we own that does asphalt and concrete paving operate
4 out of that as a construction yard. We would park
5 trucks, trailers, construction equipment,
6 bulldozers, things of that nature. There would be
7 no production of asphalt pavement or concrete
8 pavement or anything like that there. It would
9 basically just be our offices as a shop area and a
10 yard to park our trucks and equipment in.

11 MR. FRISONE: Fair enough. We'll start
12 with Mr. Grow.

13 Any questions for the applicant or
14 clarifications you'd like to have made?

15 MR. GROW: I'll pass.

16 MR. FRISONE: Ms. Vincent.

17 MS. VINCENT: He answered my question
18 already about the production.

19 That was my main concern, that you were not
20 going to be producing, making the asphalt.

21 MR. TUCKER: Right.

22 MS. VINCENT: What are your business hours
23 going to be?

24 MR. TUCKER: Our business hours are --
25 normally the guys usually come in around 7 in the

1 morning and they're usually back and gone by 5 or 6
2 in, in the afternoon or early evening.

3 MS. VINCENT: Okay. Thank you.

4 MR. TUCKER: I mean our business would be
5 very similar probably to Harry Miller or Warner
6 Hughes Trucks & Equipment, like that and that kind
7 of, those kind of hours.

8 MS. VINCENT: Okay.

9 MR. FRISONE: Mr. Monroe.

10 MR. MONROE: Oh, yeah. I notice on the,
11 the letter to us it says storage of material. What
12 kind of materials are you going to be storing?

13 MR. TUCKER: Maybe like topsoil or piles of
14 stone occasionally.

15 MR. MONROE: Okay.

16 MR. TUCKER: No large quantities by any
17 extreme of the imagination. There's just not enough
18 room there for that.

19 MR. FRISONE: Mr. Weakland.

20 MR. WEAKLAND: My only concern with this is
21 the exiting of trucks out of that property, because
22 that's a really dangerous area there. So could you
23 agree to have a sign at the top of the hill or a
24 caution light, some warning for, you know, the cars
25 coming down there? Because --

1 MR. TUCKER: I think that's a great idea.
2 I would be all for that.

3 MR. WEAKLAND: Okay.

4 MR. MONROE: That would be a good question;
5 maybe we could get the county to put a "caution"
6 sign up out there at Waterloo there as you're coming
7 over the hill.

8 MR. FRISONE: Uhm-huhm. Certainly we could
9 certainly make that recommendation.

10 MR. MONROE: Yeah.

11 MR. FRISONE: Would you be willing to pay
12 for the --

13 MR. TUCKER: Oh, absolutely.

14 MR. FRISONE: -- the sign?

15 MR. TUCKER: Erect the sign. That's part
16 of what we do.

17 MR. MONROE: Okay.

18 MR. FRISONE: That -- I guess it is. I
19 suspect that it is. We'd have to get permission I
20 think --

21 MR. TUCKER: Sure. Obviously.

22 MR. FRISONE: -- from the county and the
23 engineer to, you know --

24 MR. TUCKER: We'd be more than happy to do
25 that.

1 MR. FRISONE: -- to bring something on
2 Waterloo Road like that. Although, we have, don't
3 we have a township sign right there at the crest of
4 the hill? Not anymore?

5 MR. ALBERTONI: You got a "welcome" sign up
6 on the top of the hill.

7 MR. FRISONE: Yeah. The Goodyear one.
8 Yeah, the Goodyear.

9 MR. ALBERTONI: "Welcome to Suffield" sign.

10 MR. FRISONE: Is that our property, where
11 that sign's at?

12 MR. ALBERTONI: No. No.

13 MR. FRISONE: It's not.

14 MR. ALBERTONI: That's Darrell.

15 MR. MONROE: Darrell Sapp's property.

16 MR. ALBERTONI: Darrell Sapp. He owns, he
17 owns that, all that property up there. And then he
18 bought the twinplex around that corner. He owns the
19 whole corner. I'm sure he wouldn't have any problem
20 with it.

21 MR. FRISONE: Maybe we could get by without
22 having a whole bunch of red tape for you there.

23 That's a great idea, Mr. Weakland. Because
24 it is a dangerous intersection. Trucks coming out
25 aren't going to be going too quickly.

1 At this time, I would entertain any
2 questions from the floor regarding the application.

3 Name and address for the Record.

4 MR. VARTENUK: David Vartenuk, 736 Etter
5 Road. Only question I have, are you going to be
6 storing any hazardous material, any chemicals,
7 drums?

8 MR. TUCKER: No.

9 MR. VARTENUK: Anything like that?

10 MR. TUCKER: No.

11 MR. VARTENUK: Because that was basically
12 something for the fire department, if there was
13 something that happened there.

14 MR. FRISONE: Anything else?

15 Mr. Demboski, does the township trustees
16 have anything to say on the issue?

17 MR. DEMBOSKI: Oh, I think, I think it's a
18 very good idea to put them signs up. And trustees
19 are all for it.

20 MR. FRISONE: One last time. Down
21 through....

22 Mr. Grow?

23 MR. GROW: You said you weren't going to
24 store any hazardous material there. You get a lot
25 of equipment there, where do you fuel it up, fuel

1 your equipment?

2 MR. TUCKER: Well, I guess if we had
3 on-site fueling, if we had diesel fuel there....
4 But where we fuel now, we don't fuel on our site
5 now. We would need permits to do all that anyways.
6 That's something we couldn't bring onto the site.

7 MR. FRISONE: You got that right.

8 MR. TUCKER: So that's why I didn't --

9 MR. GROW: You're working on your own
10 equipment there and you're going to have a shop
11 there?

12 MR. TUCKER: Right. Right.

13 MR. GROW: So probably motor oil?

14 MR. TUCKER: Yeah. Typical shop type
15 materials, have some cleaning solvents but not
16 quantities, tractor-trailer or....

17 MR. GROW: Right. Right.

18 MR. TUCKER: Normal quantities you have in
19 a garage.

20 MR. GROW: I just wanted to clarify that.

21 MR. FRISONE: That's important. Because
22 it's a use variance.

23 Ms. Vincent.

24 MS. VINCENT: You're going to use the
25 existing drive? You're not going to change the

1 drive?

2 MR. TUCKER: No. No.

3 MS. VINCENT: Okay.

4 MR. MONROE: I have no questions.

5 MR. WEAKLAND: (Mr. Weakland moved his head
6 from side to side).

7 MR. FRISONE: Do you anticipate any further
8 building on, on, on the site other than what's there
9 now?

10 MR. TUCKER: No. No, not at this time. We
11 will plan on renovating what's there.

12 MR. FRISONE: Okay.

13 MR. TUCKER: But no.

14 MR. FRISONE: No additional building on
15 that property?

16 MR. TUCKER: No, not at this time.

17 MR. FRISONE: Okay.

18 MR. MONROE: The area where Mishler comes
19 into Waterloo, what's the status of the railing that
20 the county was going to put in there?

21 MR. DEMBOSKI: I know I got a letter on it.
22 The county is going to put a railing up there from
23 Mishler going up --

24 MR. TUCKER: Good.

25 MR. DEMBOSKI: -- quite deep. There

1 wasn't, there wasn't any railing there so they're
2 going to put the railing up.

3 MR. TUCKER: When is that planned? Do you
4 folks know?

5 MR. DEMBOSKI: Any time.

6 MR. MONROE: That goes down Mishler. Does
7 it come down Waterloo a little bit at all?

8 MR. TUCKER: It should.

9 MR. DEMBOSKI: Well, it's going to be on
10 the east side of Mishler because --

11 MR. MONROE: East side of Mishler. But how
12 about around the corner down Waterloo Road a little
13 ways?

14 MR. DEMBOSKI: I'm not sure how far they
15 are coming down Waterloo Road. Because the building
16 starts there pretty close.

17 MR. MONROE: I know.

18 MR. DEMBOSKI: Yeah.

19 MR. MONROE: You might --

20 MR. DEMBOSKI: We have a letter on it
21 saying the county has okayed it. We're going to put
22 it up.

23 MR. MONROE: You might keep in mind
24 probably should come around the corner down Waterloo
25 a little bit there.

1 MR. ALBERTONI: Good parking lot in the
2 winter.

3 MR. MONROE: It's dangerous in the winter
4 coming down off there.

5 MS. WILSON: I can see me coming down over
6 the hill and sliding and trucks pull out of there
7 and, "There's a big truck," and then I'm in your
8 property. I can see that.

9 MR. FRISONE: We can put time limitations
10 on use variance, can we not? We can put time on
11 that? I think we can.

12 MR. MONROE: For what?

13 MR. FRISONE: Make him come back in two,
14 three, five years and just because. I don't think,
15 I don't think it has to go.... I think we can time
16 it.

17 MR. MONROE: Did we do that with the
18 Hughes?

19 MR. FRISONE: No. No. But I'm just
20 saying --

21 MR. MONROE: Same operation.

22 MR. FRISONE: I know.

23 MR. MONROE: Okay.

24 MR. FRISONE: It's just a thought.

25 MR. MONROE: I would say unless they were

1 doing something wrong that the zoning inspector
2 should catch, no.

3 MR. FRISONE: Okay. That's fine.

4 Anything else for the good of the order?

5 I have to imagine in the summer when the
6 days are longer given that business that you're
7 going to be out earlier and back later. I can't
8 imagine you're going to be back at 5 or 6 or 7 or
9 8:00.

10 MR. TUCKER: Do we need to define an exact
11 time?

12 MR. FRISONE: Well, we would like to put
13 parameters on that time if nothing more than to
14 protect.... We could be real liberal in those; and
15 that way, that way we're not back here with someone
16 complaining about --

17 MR. TUCKER: There are times we start at
18 5:00 in the morning, and there are times we probably
19 get back at midnight. But that doesn't happen all
20 the time. And it's a seasonal business, so we are
21 not going to be out all winter. This is
22 basically --

23 MR. FRISONE: I got you.

24 MR. TUCKER: -- March through the end of
25 November, then the weather prevents us after that

1 point.

2 MR. FRISONE: Times are usually something
3 that we consider as a Board when these kind of
4 requests come. Lighting, signage. Lighting, are
5 you planning any specific -- or obviously --

6 MR. TUCKER: I imagine that will all be
7 addressed when we do the renovations on the
8 property.

9 MR. FRISONE: Well, the signage would have
10 to go through..., if you are not going to comply, if
11 you have something other than what we allow for
12 terms of signage. But lighting is something that we
13 probably should deal with tonight.

14 MR. TUCKER: We met, I met with the
15 Portage, Portage County Building people.

16 MR. FRISONE: Uhm-huhm.

17 MR. TUCKER: We hired an architect, which
18 was at their recommendation. And we're preparing
19 plans now for all that stuff.

20 MR. FRISONE: That's fine.

21 MR. TUCKER: So we plan on addressing that
22 all later, hopefully this, you know, early this
23 winter. But obviously there would be some lighting
24 out there, yes.

25 MR. FRISONE: I would think so.

1 MR. TUCKER: Yes.

2 MR. FRISONE: How do we bring them back --
3 Go Ahead. Name, address.

4 MS. WILSON: Alesha Wilson. Is there a
5 fence you are going to have on the property to
6 protect everything that's being stored?

7 MR. TUCKER: We'd like to put up a fence if
8 that's allowable.

9 MR. FRISONE: I'm sorry. She needs your
10 name and address.

11 MS. WILSON: Alesha Wilson, 1460 Congress
12 Lake Road. Sorry.

13 MR. MONROE: Do we need to address the
14 fence and so forth too?

15 MR. FRISONE: (Mr. Frisone moved his head
16 from side to side).

17 MR. MONROE: We don't have to do that?

18 MR. FRISONE: It's guided by -- unless it's
19 not going to be consistent with the book, then we'd
20 be right back here again.

21 MR. MONROE: Right.

22 MR. FRISONE: But I am concerned, I mean
23 I'm worried about some of the lighting and the hours
24 of operation. It doesn't appear you're in a
25 position to know what that is at this point in terms

1 of the lighting for the --

2 MR. TUCKER: No.

3 MR. FRISONE: -- lighting onsite and things
4 like that?

5 MR. TUCKER: No. No. I mean there's
6 lighting there now that we can turn on. But I mean
7 we plan on renovating everything, totally new
8 everything.

9 MR. FRISONE: Right.

10 MR. ALBERTONI: Most of that would be back
11 off the road, Mark.

12 MR. FRISONE: Pardon.

13 MR. ALBERTONI: I think a lot of that would
14 be back off the road. If they're going to be
15 parking back there, that's probably where they want
16 the lights I would think.

17 MR. FRISONE: Right. I mean we don't know
18 wattage. We don't know if we got -- you know, what
19 we're going to have back there. And it's going to
20 -- you know, we're going to light up the whole
21 neighborhood? I mean we don't know.

22 MR. ALBERTONI: There's no neighbors right
23 close to anywhere.

24 MR. FRISONE: You got across the street.

25 MR. ALBERTONI: Yeah. Yeah. You got a

1 (inaudible) across the street. That's about it.
2 pretty wide open out there.

3 MR. FRISONE: What's the pleasure of the
4 Board? I mean we could either obviously grant this
5 tonight and live with what happens. We could put
6 some parameters on it as long as the applicant is
7 willing to accept those parameters.

8 Typically we have, typically -- and maybe
9 because of your location and what you're doing and
10 the seasonal nature of it may be not big as issue.
11 But typically we don't have neighbors too thrilled
12 with trucks coming and going at midnight, you know.
13 But, you know, you are coming off, coming off
14 Waterloo Road. Trucks go up and down Waterloo Road
15 all the time, so they are not going far when they
16 turn, you know, turn into the drive. So maybe it's
17 not an issue at all.

18 But that's something for the Board to
19 consider if, you know, if you wish to consider it.

20 And the lighting, I mean, once again, that
21 is something -- once we grant the use variance, it's
22 -- if we don't put conditions on it, it's
23 (indicating), it's there. Or time parameter on it.

24 I'm looking for a motion. I'm looking for
25 guidance. I'm looking for whatever you'd like, the

1 Board, the Board would like to do.

2 MR. MONROE: I'm thinking in this case you
3 have a lot more experience than we do with the times
4 and so forth.

5 MR. FRISONE: It would be nice -- I would
6 love to see that site, that plan when, when it's
7 done. Obviously it's not. You are not ready to go
8 with it yet at this point.

9 MR. TUCKER: It's hard to move forward
10 until we have the right zoning obviously.

11 MR. FRISONE: Right. So there's a couple
12 ways we can slice it which is, you know, we can, we
13 can put a time on this, on this variance -- I mean,
14 you know, we're certainly within our right to do
15 that -- and come back in here and look at it at a
16 later date, you know, see if we have issues with the
17 signage, lighting, fencing.

18 MR. TUCKER: I mean all those issues, am I
19 correct in assuming that I need permits to do all
20 those things so I just can't do whatever I want no
21 matter what?

22 MR. FRISONE: The lighting, that's your
23 property, you know, how you choose to light it, if
24 we choose not to regulate, is how you choose.

25 MR. TUCKER: We want to be good neighbors.

1 MR. FRISONE: I'm sure you do.

2 MR. TUCKER: We would like, I would like to
3 build a home out here for my family to become a part
4 of your community. So I mean we're not here --

5 MR. FRISONE: Love to have you.

6 MR. TUCKER: -- here to burn bridges.

7 MR. FRISONE: Mr. Albertoni.

8 MR. ALBERTONI: Hey, Mark, why don't you,
9 if you're worried about timing and so forth, set the
10 times -- because it doesn't happen all the time -- 5
11 in the morning to, to midnight or something, you
12 know, when needed or something, and normal time
13 would be 7 to 6 or whatever. At least you got
14 something there to go by. But I, you know, I can
15 see his point; there should be times when those
16 trucks are going to roll in late.

17 MR. FRISONE: Sure.

18 MR. ALBERTONI: My only point, where that
19 property is, there's no neighbors around it to speak
20 of. You got rental across the street. You got one
21 rental on the other side, railroad tracks, railroad
22 going through there. So there is not -- it's an
23 industrial property basically.

24 MR. FRISONE: Right.

25 MR. GROW: I think if we're going to set

1 hours, maybe set them to reasonable hours to say 7
2 to 9 or something. And if he goes outside of that
3 every once in a while, no one is probably going to
4 say anything. Only happens every once in a while.
5 But if it becomes a big habit, we have some recourse
6 of closing down the hours.

7 MR. FRISONE: Compromise.

8 MR. TUCKER: The vast majority of our
9 business is 8 to 5, vast majority of it. But I'm
10 not going to tell you differently; there are times
11 that we start earlier.

12 MR. FRISONE: Sure.

13 MR. TUCKER: There are times we start [sic]
14 later. That's what we need to do to have our
15 business.

16 MR. FRISONE: I got you. Nobody's going to
17 try to stymie you from the business. I think what
18 Andy is just mentioning, you know --

19 MR. TUCKER: I want to reiterate we want to
20 be a good neighbor. We are going to clean that site
21 up and then be a good neighbor.

22 MR. FRISONE: Yes, sir.

23 MR. ALBERTONI: Actually we don't control
24 hours normally under zoning unless it's in a, like a
25 business area. Lighting we normally hardly ever

1 address. Tonight is --

2 MR. FRISONE: We have on occasion.

3 MR. ALBERTONI: But in the area, but this
4 area, you're in down there. It's pretty much, you
5 know, wide open. I don't know. I, you know, I
6 judge a lot of character. I think this gentleman
7 will do what he says he's going to do. He's already
8 cleaned it up. I mean it's 500 percent better. And
9 give him the variance and let him -- Adam will be
10 seeing the plans, you know, when he gets them done.

11 I was down there when he met with the
12 Building Department. He seemed willing to do
13 everything. So, you know, I think he's got a lot of
14 good intentions, myself.

15 MR. FRISONE: Good. I'm glad.

16 MR. ALBERTONI: Good. I am too.

17 MR. FRISONE: Mr. Vartenuk.

18 MR. VARTENUK: If you're worried about
19 hours, wouldn't you say probably April through
20 October is when your, usually, earlier and later
21 times are?

22 MR. TUCKER: Well, our, our season usually
23 runs April through November.

24 MR. VARTENUK: Okay.

25 MR. TUCKER: And then if there were any

1 late times, that would be in the summer, usually in
2 the summer.

3 MR. VARTENUK: That's what I'm saying; that
4 would cover from April all the way through.

5 MR. MONROE: There's an occasional
6 variation of the time as needed.

7 MR. FRISONE: That's right. Or like Dave's
8 saying, give him what he needs, April through
9 November like he's, you know, like he's mentioning.
10 And then, then the off-months can be something less
11 than that wide-open time frame.

12 You know, do it -- whatever the Board's
13 pleasure is. Whatever you think is, is reasonable.
14 I'm just fishing for --

15 MR. WEAKLAND: I make a motion we accept
16 his request for use variance on the property of 546
17 Waterloo Road with the addition of safety signage
18 and lights pertaining to the trucks entering the
19 road.

20 MR. FRISONE: Is that it?

21 MR. WEAKLAND: That's it.

22 MR. FRISONE: Motion. You heard Leo's
23 motion granting a use variance with the expectation
24 we get some kind of signage up, up the hill for
25 drivers.

1 MR. MONROE: Do we want to put time?

2 MR. GROW: Pending permissions from the
3 power that be, putting signs on the road? Add that
4 to the motion?

5 MR. FRISONE: Are you willing to add that
6 to the motion, pending the approval of somebody
7 allowing us to put the sign up? I mean we can't --
8 if somebody won't let us put the sign up, then we
9 can't put the sign up. But if we can, we want it
10 up. You're agreeable to that?

11 MR. WEAKLAND: Yes.

12 MR. FRISONE: Okay.

13 MR. MONROE: Wouldn't that be Portage
14 County?

15 MR. VARTENUK: Yes.

16 MR. BEY: County engineer's office.

17 MR. FRISONE: County engineer's office.

18 MR. MONROE: I second that motion.

19 MR. FRISONE: We have a motion and a
20 second. Is there any further discussion on that
21 motion?

22 Hearing none, would you please call the
23 role.

24 MR. BEY: Yes, sir. One moment.

25 Motion was made by Mr. Weakland to approve

1 the applicant's request for a use variance at 546
2 Waterloo Road with the addition of warning signage
3 for the truck traffic, pending approval from the
4 county engineer's office. This motion was seconded
5 by Mr. Monroe. All in favor of the motion?

6 Mr. Grow.

7 MR. GROW: Yes.

8 MR. BEY: Ms. Vincent.

9 MS. VINCENT: Yes.

10 MR. BEY: Mr. Monroe.

11 MR. MONROE: Yes.

12 MR. BEY: Mr. Weakland.

13 MR. WEAKLAND: Yes.

14 MR. BEY: Mr. Frisone.

15 MR. FRISONE: Yes.

16 MR. BEY: Motion carries.

17 MR. FRISONE: Very well. Welcome to
18 Suffield.

19 MR. TUCKER: Thank you very much.
20 Appreciate that. Thank you.

21 MR. FRISONE: With that, we'll close this
22 hearing.

23
24 (The hearing concluded at 8:31 p.m.)
25

C E R T I F I C A T E

STATE OF OHIO

COUNTY OF STARK

I, Jocelyn S. Harhay, RPR, Notary Public in and for the State of Ohio, do hereby certify that the November 15, 2012, hearing was to the best of my ability reduced to machine shorthand, afterwards transcribed under my direction by means of computer, and that to the best of my ability the foregoing is a true and correct transcript of the hearing.

I further certify that this hearing was taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative or employee of an attorney of any of the parties in the above-captioned action and that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Ohio Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand at Hartville, Ohio, on December 30, 2012.

Jocelyn S. Harhay, RPR,
Notary Public

My Commission expires: June 15, 2013.