

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
September 22, 2010

Present: Richard E. Snyder, Chairman
Bruce Murphy
Donna Weiss Carson
Wendy Bruzas
Ben Kotowski
Diana Steffen, Secretary

Also in attendance: Ric Machnics, Zoning Inspector.

The Chairman called the meeting to order at 7:42 p.m.

MINUTES OF AUGUST 25, 2010 – *Ms. Bruzas moved to approve the minutes as submitted, Mr. Murphy seconded and the motion passed unanimously by 4-0. Ms. Weiss Carson abstained due to her absence from that meeting.*

In anticipation of resident Brett Anderson attending to discuss wind and solar energy the Chairman delayed that topic until later in the meeting.

FOOD SERVICE OPERATIONS – The Geauga County Planning Commission staff and the County Prosecutor's Office returned the 08/25/10 amendment draft with their informal review comments. Mr. Murphy suggested they follow the recommendation to consult with legal counsel regarding the prevailing case law on hours of operation, loading and deliveries and direct service to customers. The Commission discussed off-street parking at length. Members discussed whether to require a specific number of parking spaces per the square footage of the facility or per the seating capacity, or whether to leave it up to the business owner and the Board of Zoning Appeals. Ms. Bruzas said they had previously decided they should require a minimum number of spaces with a rationale for determining that figure. Mr. Murphy favored flexibility. He said that other conditional uses have a uniform use, such as schools and churches, but there are many different business models for food service that have different parking requirements. Section 6.4.C General Standards for Conditional Uses requires off-street parking to be 'adequate' and refers back to Section 4.4 Off-Street Parking. It was agreed to remove the middle sentence of the off-street parking regulation in the draft, which required one space for each two persons who could reasonably utilize the facilities at any given time.

The Commission approved the other additions suggested by David Dietrich.

Action Item: Mr. Murphy will email Sheila Salem, legal counsel, to ask about the case law on hours of operation, loading and deliveries and direct service to customers, and to discuss off-street parking.

WIND AND SOLAR ENERGY – Mr. Snyder talked about the farm in Auburn Township that planned to use a larger turbine that has the potential to produce more power than the farm needs, and was denied by the Board of Zoning Appeals. He felt that the board may not have understood correctly. It is likely the farm will appeal the decision. Mr. Machnics noted that the Zoning Inspector had followed the Prosecutor's advice on this when he changed his mind and rejected the use as agricultural.

Mr. Murphy explained that he has been researching noise factors, and found that there have been big improvements in the last 15 to 20 years. The residential wind turbines are becoming more efficient and generate less noise. They were at 100 decibels and many are now less than 5 decibels above ambient noise. The distance this is measured from varies according to the individual studies he researched. The Department of Energy has a branch that is researching small wind and solar generation, and is looking at noise. Rotor efficiency and design are reducing the noise levels.

Ms. Weiss Carson said that from visiting a wind farm in New York state she noticed that the generator is noisy, plus there is a lack of security since she was able to walk up to the generator and the wind towers. She suggested the Commission should address security.

According to Mr. Murphy there are companies that are working to lessen noise and increase efficiency, but some of the older companies are not and are selling noisy and less efficient turbines. The home-made ones can also be noisy. He recommended the Commission require a maximum noise level that can be heard off the property. This would be an established standard to say that the turbine shall not produce noise of more than 10 decibels above ambient level off the property.

Mr. Snyder said he has spoken to the consultant who has been working on one of the cases in Auburn Township, and although she mostly works with commercial companies she is interested in promoting wind energy and accepted his invitation to come to next month's meeting.

Action Item: Mr. Snyder will send to the Commission the information he received from the consultant.

GENERAL WELFARE LANGUAGE – Mrs. Steffen handed out the new language from HB 148, that deletes 'morals' as a purpose for zoning, and now states, "...in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare..." She had completed a word search of the Zoning Resolution and highlighted each occasion that 'morals' or 'general welfare' occurs, plus two uses of 'general safety and welfare.' Mr. Snyder suggested changing the wording in the Statement of Purpose by adding 'convenience, comfort, prosperity.' Mr. Murphy suggested deleting 'morals' throughout the Zoning Resolution and having a uniform statement throughout the code.

Action Item: Mr. Murphy will ask the legal counsel whether the entire phrase should be added throughout the Zoning Resolution or just in the Statement of Purpose.

ESTABLISHMENT OF ZONES – Mr. Snyder said he has spoken to Jim Dickinson and asked him to confirm which lots the Trustees wish to rezone in the S.R. 306/87 C-S area.

OTHER BUSINESS – Mrs. Steffen asked if anyone wished to attend the APA Planning & Zoning Workshop in Westlake. Mr. Kotowski expressed an interest and will make a decision soon.

There being no other business, Mr. Kotowski moved to adjourn, Mr. Murphy seconded and the meeting adjourned at 9:32 p.m.

Respectfully submitted,

Diana Steffen
Secretary

Date

Richard E. Snyder
Chairman

Date