

**WESTFIELD TOWNSHIP
BOARD OF ZONING APPEALS
SPECIAL MEETING**

**Continuation of Conditional Renewal Permit for Northcoast Soccer
8809 Lake Rd.
(Landscape Buffer)
JUNE 19, 2008**

Chairman Schmidt called the special meeting of the Westfield Township Board of Zoning Appeals to order at 7:30 p.m. Permanent Board members Daugherty, Oiler and Schmidt were present. Permanent member Poe was absent. Alternate member Tom Micklas sat in on the Board.

MINUTES

Mr. Oiler made a motion to approve the Board's April 14, 2008 minutes as corrected. It was second by Mr. Poe.

ROLL CALL-Oiler=yes, Daugherty=abstain, Micklas=yes, Schmidt=yes.

CONTINUATION OF THE RENEWAL OF CONDITIONAL USE PERMIT

Northcoast Premier Soccer-8809 Lake Rd.

Chair Schmidt: I, Mr. Sweeney and Mr. Carrusco met at the soccer fields last Saturday. We measured the area where they have agreed with Mr. Hanna to put up 300 ft. of fence.

Mr. Sweeney was sworn in.

Mr. Sweeney: (Presented a picture of the site.) There are natural breaks in the mounds where the water drains. The main section is 160 ft. long. To the south end there is a 36-ft. section where we got to some pretty dense trees. To the north it was approximately 122 ft. We took Joe's house as a center and went about 150 ft. in either direction and took into account the natural breaks.

Mr. Schmidt: Some of the Taccus are starting to fill out. As far as dead trees there were approximately 2-3.

Mr. Sweeney: The good thing is the green part of the Taccus was probably taller than 4 ft. When they do start to grow in and make a natural shield and the fence will block everything below. The fence are just sections and need to be attached to four by four posts. When we talked to Joe we asked him what side of the fence he wanted on his side of the property-the posts or the finished side. He never said either way he said he needed to see it first. My thing to him was since the trees were on our side it would be better for him to have the clean white front of the fence. Chair Schmidt stated that would be the decision of the Board. (It was determined that the Zoning Resolution called for the posts to be facing the soccer side of the property.)

Mr. Daughtery: Are the trees on top of the mound?

Mr. Sweeney: They are on the top but it has really leveled out now. The fence will go on top of the mound and on our property.

Mr. Micklas: I question putting the fence in the mound itself because the ground would be a little bit looser and if there is a good wind or snow storm it may have the potential to knock over the fence.

Mr. Sweeney: We did have an issue when we first put the trees in with them being blown over, but now the ground has settled and the trees have taken root so there should not be a problem. We will go down a couple of feet and then put the posts in so it should not be an issue.

Mr. Micklas: The fence is solid (without a back and front) so there will be no wind to blow through.

Mr. Sweeney: I have not seen the fence but a good wind could catch it but...I have a friend that I can ask how far we need to put the posts in so the wind or snow drifts would not be an issue.

Mr. Micklas: I would think you would need to get into solid ground...

Mr. Oiler: Are you going to use cement?

Mr. Sweeney: Yes.

Chair Schmidt: So you will follow the recommended procedure for installing the fence?

Mr. Sweeney: Absolutely.

Mr. Micklas: When you think of winter storms and snowdrifts in the spring you might find your fence is down.

Mr. Schmidt: Yeah, but there are also the trees there. If it was only the fence it would be a concern. The height of a lot of those trees...The heavy growth of the Taccus doesn't start till at least 4 ft.

Trustee Likley: First thing is there needs to be a fee paid for the continuation of this meeting. I don't know if this has been conveyed to Mr. Carrasco or Mr. Sweeney but it needs to be paid. Regarding the fence you buy at Home Depot, they sell you 6-ft. sections and 8 ft. posts so that two feet of the post is in the ground. The fence on I-71 in Brunswick is a prime example of a fence being held up by guy wires because of a short post installation. Therefore I suggest the posts be placed 3 ft. in the ground instead of 2 ft. You dig your hole 3-ft. and put your post in cement it in and then put up the fence

section. If you are not below the frost line it will start heaving and up the fence and the posts come.

Chair Schmidt: That is a good point especially with the mound you should make sure you are down below the frost line.

Mr. Oiler: When are you going to get started and when do you anticipate finishing?

Mr. Sweeney: We are going with Joe's (Hanna) contact and he said he could get the fencing to us within the week. I would say that within a week we will be digging holes and laying out lines and all that stuff. We want to get it done as soon as possible.

Chair Schmidt: Construction is always at the mercy of weather so the Board wants to make the time frame sufficient in which to get this done.

Trustee Likley: Being an old farm boy I was told you never set fence posts on a new moon. Only on a moon that is going down.

Laughter

Chair Schmidt: So what 30 days, 45 days?

Mr. Sweeney: Timing is good for us now. We are between the end of the summer season and we have time before the fall season. Forty-five days would be good to address coverage for the potential of bad weather. Again, we want to get the fence done as soon as possible.

Chair Schmidt: Forty-five days would take us to end of July.

Mr. Daugherty: Let's make it July 31st.

Chair Schmidt: I would like the drawing submitted by Mr. Sweeney to be referenced as Exhibit B with the notations that the fence will be 6 ft. in height...

Mr. Micklas: The fence needs to be 6 ft. from the ground. Does the mound constitute as the ground level?

The Board all stated that the mound does constitute as the ground level.

Mr. Daugherty: Installation dead line 7/31/08, white vinyl fence 6 ft. in height with posts buried 3 ft. in the ground with cement. The unfinished side of the fence to face North Coast Soccer.

Trustee Likley: The maintenance of the fence and mound should also be addressed.

Chair Schmidt: It was stated in their previous conditional.

Trustee Likley: There is also language in the Zoning Resolution that supports that requirement.

Mr. Daugherty made a motion to approve the landscape buffer for Northcoast Soccer per The drawing marked "Exhibit A" as presented. Installation dead line is 7/31/08 for a white vinyl fence 6 ft. in height with posts buried 3 ft. in the ground with cement to be erected. Unfinished side fence to face Northcoast Soccer. It was second by Mr. Micklas. ROLL CALL-Daugherty-yes, Micklas, Oiler-yes, Schmidt-yes.

Secretary Ferencz: NCS still have variances and site plan review pending.

Chair Schmidt: They will need to apply accordingly and give the information to Zoning Inspector Harris to review for completion and then it would be forwarded to the Board.

MISC.

Mr. Oiler stated he had reviewed the meeting minutes of the last several years regarding Northcoast Soccer. On the LC (Local Commercial) zoned part of the parcel, he asked, is that or is that not grandfathered in regards to the requirement of them having to have hard surface pavement? Trustee Likley stated that was a good question because part of the property is zoned LC and the rest RR and the zoning requirements for each district are different. Trustee Likley added that he would pose that question to legal counsel (Mr. Thorne).

Chair Schmidt: I went down to Medina Sod and they have several parking lots and none of them are hard surface paved.

Trustee Likley: That's because it is classified as agriculture use-it is a farm.

As far as I understand the history, the time the property was being developed as Northcoast Soccer it was leased property. It was owned by Medina Sod. Back then the Township told them they could participate in soccer games with the understanding they would not put a lot of money into it because they did not own it. Then Northcoast Soccer purchased the back property from Medina Sod. There are different standards when one owned the property. Regarding the front section, they purchased that property...When they were leasing the land they established driveways and parking areas. Now that they own it they should meet the standards of that District. This is a tough situation. This is a business, it is just run on grass and it can be very lucrative. The economics to run this business even on grass has to be realized. When they come for their variances or site plan they will owe additional fees to the Township.

Chair Schmidt: When they come back with their variances and site plan we need to know where all this stands.

Trustee Likley: You have to look at the business in the RR District, which I believe Willy owns. What is the name on the check?

Secretary Ferencz: Northcoast Soccer Ltd.

Mr. Daugherty: So they own all of the property they are playing on now?

Trustee Likley: Yes. Willy is a partner in Northcoast Soccer. Willy owns the campgrounds on his own from what I understand. It is his own personal property. You could check the land titles as to who owns the land.

Mr. Micklas: Regarding the number of parking spaces, does someone go out before every game and line those parking spaces?

Trustee Likley: That is going to be part of one of the variances requested. That's the point I am trying to make. It is a business but it just doesn't have a building. Does it not have to have paved parking? That will be up to you guys. That is your decision.

Chairman Schmidt: Are all of the parking spaces marked?

Trustee Likley: I doubt it. I think they were looking at directional parking and to mark where they have designated parking but if you have ever been down there during a tournament, people will park wherever they want. To get the maximum parking they need they try to mark it The first part of the variance is for paved surface. If you aren't going to require paved parking are you going to require striping?

Mr. Oiler: I think the variances are for the LC portion of the property and they are grandfathered so those requirements don't apply to them from what I have read.

Trustee Likley: I haven't seen the site plan so I don't know.

Mr. Micklas: According to Section 501 D. it does not say anything about parking in RR it says, "Parking shall not be permitted on any unpaved areas in the SR, LC, HC or I districts with the exception of residential or home occupation uses."

Mr. Oiler: That is why I think the zoning code was written after this was grandfathered. This is something that needs to be looked into.

The Board then discussed what came first the variances or the site plan.

Trustee Likley: You can approve the site plan first pending variance approvals. The thinking is the variances (if any) would be found during the site plan review. The site plan then be corrected if possible. If variances were needed, then it would need to go before the Board. If the variances were not granted, the site plan becomes null and void and a new site plan would have to be submitted revising the site plan to meet the code. The other option is to consider the variances first and the site plan second.

Mr. Daugherty: Does the Zoning Inspector have a checklist to know the procedure to follow?

Trustee Likley: It is in the Zoning Resolution. Also, this can be addressed on the applications themselves as to what the Board wants and or requires for an application to be processed and heard. Also, the number of copies needs to be increased to 8 to accommodate all that need to have a site plan. Only one large copy of the site plan needs to be submitted with smaller, legible copies to all the Board members, ZI and Secretary.

The Board also discussed if individual mailboxes for the Board members could be set up on the website. Trustee Likley stated he could look into it. The Board stated they would also like to see the “special form” that has been referenced as a checklist for Board and/or Zoning Inspector for site plans. Trustee Likley stated he believed it was on the website.

The Board’s next public hearing is June 30, 2008 at 7:30 p.m. (Scott May variance request)

Having no further business before the Board, Mr. Oiler made a motion to adjourn. It was second by Mr. Daugherty. All members were in favor. The meeting was officially adjourned at 8:30 p.m.

Respectfully Submitted

Kim Ferencz
Zoning Secretary

Mike Schmidt

Kevin Daugherty

Ron Oiler

Tom Micklas

