

**MINUTES
VILLAGE OF SUNBURY
PLANNING AND ZONING COMMISSION
June 29, 2020**

Mayor Tommy Hatfield called the Sunbury Planning and Zoning meeting to order at 6:30 p.m., on June 29, 2020.

Members present: Tommy Hatfield, John Lieurance, Joe Gochenour, Greg Elliott and Rick Ryba.

Also present – John Maar (Representing CT Consultants), David Brehm, Allen Rothermel and Steve Pyles , Applicants and Public Hearing Respondents to Public Notices

Those that were present for the virtual meeting that desired to present, comment, or speak at either one of the Public Hearings were sworn in.

Public Hearing – Bresnahan 164 Letts Avenue – Variance

Jacob Bresnahan is requesting a variance from the 10-foot side yard setback at 164 Letts Avenue to construct a garage at the rear of his property.

Mr. Bresnahan presented his application stating that he desires to replace a previously removed garage that was located within 10 feet of his side property line. He did spoke with his neighbor who has indicated support with the variance through a submitted letter from neighbors. The variance will allow him to construct a garage with a drive that is not in maneuvering conflict with the neighbor behind his home that also uses the alley for access. If it was constructed without variance there would be a conflict in backing into the alley with his neighbor.

Mr. Maar did not voice any concerns regarding the variance upon CT.

Exhibits were entered into the record:

- A – Variance Application
- B - Public Notice
- C – Proof of Publication
- D – Neighbor’s Letter – Agreement with Idea of Letter
- E – Staff Report

Mr. Brehm asked about aesthetics, Mr. Bresnahan replied it will be 2 car garage with white vinyl siding.

Exhibit D, the letter from neighbor's, was displayed for the hearing.

Mayor Hatfield explained the process indicating that the commission may have questions during the regular meeting.

Mr. Bresnahan agreed to have the exhibits added to the record. No further applicant or public comments were offered.

Mayor Hatfield ended the public hearing on the variance.

Public Hearing – Amendment of Zoning Code

The Sunbury Council has transmitted a proposed zoning code amendment for Planning and Zoning Commission consideration. The proposed amendments is language needed to implement a Board of Zoning Appeals as required by the Sunbury Charter.

Mayor Hatfield opened the hearing and requested Law Director Brehm provide an overview. Mr. Brehm noted that the new Sunbury Charter provides for a Board of Zoning Appeals (BZA) and this amendment creates the rules to establish and operate the new board, which is a change from our current structure that has the Planning and Zoning Commission hear and act upon variances. The BZA would have six members and will hear variances and appeals of decisions of the Zoning Inspector. This is a similar structure to municipalities and townships.

Mr. Brehm explained the process going forward, which will include a subsequent action from Council if approved by the Planning and Zoning Commission.

Exhibits were entered into the record:

A – Amended Zoning Code Text

B – Public Notice

C – Proof of Publication

With no further public comment, the hearing was closed.

Regular Meeting

The regular portion of the meeting was started with a moment of silent prayer and the pledge of allegiance.

Members present: Tommy Hatfield, John Lieurance, Joe Gochenour, Greg Elliott and Rick Ryba.

Also present – John Maar (Representing CT Consultants), David Brehm, Allen Rothermel and Steve Pyles , Applicants and Public Hearing Respondents to Public Notices

Bresnahan 164 Letts Avenue – Variance

Jacob Bresnahan is requesting a variance from the 10-foot side yard setback at 164 Letts Avenue to construct a garage at the rear of his property.

Mayor Hatfield requested comments.

Mr. Brehm noted there was a building there before but was removed several years ago and could not be grandfathered. He added that it is in character with other structures in the neighborhood and is an improvement.

Mayor Hatfield concurred it is consistent with other garages served by alleys in the neighborhood and noted the neighbors are supportive based upon the letter.

Mr. Gochenour asked if the letter from the neighbors was from owners or renters? The applicants responded that they are owners.

Mr. Gochenour moved to approve the variance. Second by Mr. Ryba. Roll call was five ayes, the variance was approved.

Amendment of Zoning Code

Mr. Ryba asked if there are code changes needed to other areas of the Planning and Zoning Commission. Mr. Brehm responded this amendment deals with the BZA, but other changes will be forthcoming from the working group. Mr. Ryba noted to procedural changes that he had found about officers and appointments.

Motion to approve the proposed changes to the code by Mr. Ryba, Second by Mr. Elliott. The motion was passed with five ayes.

Major Site Plan and Building

Elter Building Systems has submitted an application for the construction of an additional 12,000 s.f. trailer manufacturing and warehouse building on behalf of Gerling and Associates. The proposed location is 200 Kintner Parkway. Continued from 6/01/20 meeting.

Mr. Elter introduced Ms. Fenton who is an official of the company.

Mayor Hatfield noted the discussion about the rear of the property, which adjoins a residential area, has been an item of interest of the Commission and he values the presence of the company in the community.

Ms. Fenton did an introduction of herself and noted they are working toward a future multi-building expansion. She offered to answer any questions.

Ms. Fenton stated she would like to fill in the buffering with evergreen trees as the mounding solution does consume a significant portion of the property which may limit future expansions and decrease construction bays in the building. She offered to maintain the trees to assure they continue to provide a vision barrier for the adjoining properties.

Mayor Hatfield noted that the Commission does want to have an effective visual barrier without impinging upon the business's plan given the neighboring residential area.

Ms. Fenton stated they are amenable to evergreens and 8 foot high trees to have the ability to proceed.

Mr. Elter noted that the applicant did engage a landscape architect to come up with options, one for evergreen plantings and the other being a combination of plantings and a privacy fence. The landscape architect visited the site, identified viable trees and then developed a screening and planting plan. They want to preserve existing viable trees and supplement with evergreens.

Ms. Fenton noted there are existing good trees and their plan is to fill in those trees to supplement the screening.

Mr. Elliott stated the concern was the use of existing trees solely, in his opinion the proposed plan with additional plantings is much improved.

Ms. Fenton asked that if the discussion can focus upon landscaping instead of a fence. It would provide an option for future expansion.

Mayor Hatfield noted that a landscape plan is often included in the approval and stated that the evergreens provide some immediate impact.

Mr. Gochenour asked a clarifying question about the plan provided, it provides two options.

Mr. Elter stated they will contact the homeowners regarding trees on the Gerling property before removal.

Ms. Fenton stated their preference is to preserve existing trees if possible.

Mr. Elter stated they are hoping to move the project forward to approval because of additional design and permitting with the state.

Mayor Hatfield returned to Mr. Gochenour who had additional questions. He noted a proposed chain link fence and wood privacy fence. Mr. Elter replied they want to focus

upon Option 1 with a chain link fence with plantings to supplement the buffering instead of a privacy fence. Mr. Elmasian clarified the two options, but stated the applicant's preference is for the planting option, with the chain link for security somewhat hidden behind the plantings and existing grade changes in the property.

Mayor Hatfield asked if Mr. Maar and Mr. Pyles had any comments. Mr. Parkinson had briefed Mr. Marr, CT interest would be for drainage which seems to move runoff away from the residences. Mr. Pyles offered that a Zoom meeting was held after the last Commission meeting and that the applicant engaged a landscape architect. Code calls for a continuous visual barrier which the plan does seem to comply. He recommended the Commission consider 8 foot trees to provide some additional visual screening that would be immediately effective for the viewshed and be grown by the time additional buildings are proposed.

Mayor Hatfield wanted to assure that the plans do match what is eventually planted and approved. Mr. Pyles noted the plan does have a planting schedule of the number of trees and the species.

Mr. Elliott asked about contingency for 8 foot trees, Mr. Brehm stated the Commission could add that to the approval and he would recommend a final engineering approval contingency.

With those two contingencies, Mr. Elliott made a motion for approval of the site and building plan with landscape Option 1 the plantings. Second by Mr. Ryba with the clarification that the applicant also maintains the trees so that screening continues and dead trees are replaced.

Mr. Gochenour asked Mr. Brehm if he should abstain from voting as he had previously worked for Gerling and Associates. Mr. Brehm asked about how long it had been since he worked there. If it was 16 years ago and he does not receive any financial benefits or family connections, Mr. Gochenour confirmed he did not. Mr. Brehm did not see a need to abstain.

Roll call was taken, five ayes. The Commission approved the site plan as presented for one new building.

Motion to approve Minutes

Motion to approve by Mr. Ryba, second by Mr. Elliott. Five ayes, minutes were approved.

Zoning Report

Mayor Hatfield noted the zoning report, Mr. Pyles commented that the housing pace has slowed by supply of lots, anticipating occupancy in the next few months as a number are under construction. There were no further questions.

Discussion/New Business

Mayor Hatfield noted the working group is working on changes to the code and thanked them. There was no other new business.

Next Meeting Date: July 27, 2020

Mayor Hatfield asked about the next meeting date and quorum. There was a question of if the meetings will continue on Zoom. There was a discussion about participation and safety and that the Zoom meetings are providing access and safety until the state changes the guide-lines on mass gatherings. We will likely continue Zoom through the next meeting.

Adjournment

Motion to adjourn by Mr. Ryba, second by Mr. Gochenour. Five ayes, the meeting was adjourned.