

1                   BEFORE THE JACKSON TOWNSHIP TRUSTEES

2                   JACKSON TOWNSHIP, OHIO

3                   AMENDMENT NUMBER 641-19

8                   TRUSTEE MEETING

14                  The following Jackson Township Trustee  
15                  Meeting was taken before me, the undersigned, Deanna  
16                  Gleckler, a Registered Professional Reporter, Certified  
17                  Realtime Reporter and Notary Public in and for the State  
18                  of Ohio, at the Jackson Township Offices, 5735 Wales  
19                  Avenue, N.W., Massillon, Ohio, on Monday, the 23rd day of  
20                  December 2019, at 5:32 p.m.

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1 APPEARANCES:

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3 BOARD OF TRUSTEES

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5 TODD HAWKE - PRESIDENT

6 JOHN E. PIZZINO - VICE PRESIDENT

7 JAMES WALTERS

8

9 ALSO PRESENT

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11 RANDALL GONZALEZ - FISCAL OFFICER

12 MICHAEL VACCARO - LAW DIRECTOR

13 JONI POINDEXTER - ZONING INSPECTOR

14 TRACY HOGUE - FIRE CHIEF

15 THOMAS A. FITZSIMMONS

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4 MS. POINDEXTER: Okay. So this is for  
5 deliberation and decision on zoning amendment  
6 641-19, which is Deville Enterprises and Deville  
7 Hills & Dales, property owner, 4811 Whipple, Suite  
8 101, Canton, Ohio, 44718. Proposes to rezone RR  
9 rural residential district to R3 residential  
10 planned unit development district, approximately  
11 39.119 acres. Parcel number 1607196, 1601352,  
12 1601353 and 1601354, located at near the southeast  
13 corner of Hills & Dales and Brunnerdale in section  
14 35 N.W. of Jackson Township.

15 MR. HAWKE: Okay. As we talked about at  
16 the last meeting, this session is purely for our  
17 deliberations and decision, so there is no more  
18 input from either the proposing party or anyone in  
19 opposition to the amendment. So with that, I'll  
20 open it up for any comments. Anybody have anything  
21 to say?

22 MR. WALTERS: Well, obviously this is a --  
23 over the last several years this has been an  
24 incredibly contentious question, and certainly  
25 after the referendum of several years ago I was

1           absolutely prepared and would have voted against  
2           it, the request that was similar, because the  
3           community clearly spoke. I mean, it clearly spoke  
4           about how they felt about that decision.

5           I went back and reviewed the transcript  
6           from that hearing three years ago, whatever it was,  
7           and a couple of things stuck out to me. Number one  
8           was that a great deal of the objections centered  
9           around the size of the buildings. There were  
10          concerns about, you know, the fact that they were  
11          rental units and the number of units, but what we  
12          have in front of us is not really nothing like that  
13          proposal. I mean, it's a much, much different  
14          proposal. And because of the contentiousness last  
15          time, not only in the hearings, but then through  
16          the ballot process, I was pleased when I saw this  
17          that the proposal, at least in my view, seemed to  
18          take the community's concerns into, you know,  
19          consideration and came up with something  
20          significantly different. I was pleased to learn  
21          that Mr. DeVille met with a number of members of  
22          the community after the initial proposal, took  
23          those concerns into consideration, made some  
24          adjustments to the plan. I was pleased with most  
25          of the answers I thought I heard at the zoning

1 hearing a couple of weeks ago, specifically  
2 regarding the question that several in the audience  
3 had about, well, what about this open space, and  
4 could someone come back later and add more, you  
5 know, add more units. How do we know that this is  
6 all that's going to be there? Always a question,  
7 or I don't know about always, but very frequently a  
8 question about some of these proposals is for  
9 traffic. We had some good discussion about that,  
10 and it was interesting to note that traffic in the  
11 area actually has gone down over the last several  
12 years. The SCATS data showed us.

13 The road configuration changed in this plan  
14 from the last plan, so I think that was in the  
15 positive. And then just for the heck of it I did a  
16 little bit of basic math myself. If we assume two  
17 cars at every residence and compare that to the  
18 existing data, it's about a 1% change in traffic,  
19 and to me that doesn't seem to raise a concern, 1%.

20 All these questions about water, I mean,  
21 it's not my area of expertise, so I'm not going to  
22 launch into that, but there are specific agencies  
23 and a lot of regulations that cover the issue of  
24 water, and so I'll leave that to the experts.

25 So where does that leave us? Well, if

1 nothing else, the hearings were significantly  
2 different this time. I think that's because the  
3 plan was different this time. Last time, not only  
4 was this room full, but the hallway was full. We  
5 heard, and I went back and read hours of objections  
6 as opposed to questions. Mostly what we heard last  
7 time was questions, clarification questions. We  
8 heard some objections, but largely we heard  
9 questions for clarification. I know I've talked to  
10 some residents who were very opposed to this last  
11 plan that didn't have an objection to this current  
12 plan. In fact, some of the folks that were most  
13 involved in the referendum last time have said  
14 they're in favor of the plan, you know.

15               okay. Taking all of that into  
16 consideration, you know, my view is that this plan  
17 adequately addressed the concerns of the community.  
18 And not everyone's going to agree with that, but  
19 that's the way I read it. Again, we look at the  
20 room tonight. There are only a handful of folks  
21 that are here for it. I think it's a good plan for  
22 the property as a whole, for the adjacent area and  
23 for the communities that are right around it and  
24 for our community as a whole. I think we heard  
25 that it fills a specific housing need that the

1 township is lacking. we know it will generate  
2 additional revenues for the schools, and these  
3 types of properties don't tend to attract a lot of  
4 school age children, so it shouldn't add burdens  
5 there. And of course, those additional revenues  
6 will help support our parks, our library, our  
7 police, our fire, and all of those sorts of things.

8 I'm sensitive to the fact that the plan  
9 last time was obviously very strongly opposed, and  
10 we saw that in the referendum and again, as I said,  
11 if it would have been something anywhere close to  
12 that I wouldn't have supported it, because the  
13 community was clear, but this looks to me and I  
14 hear a response that all the concerns were  
15 alleviated.

16 Now, I know not everyone is still going to  
17 be in favor of it, I get it, but we have to make a  
18 decision. That's what we're legally obligated to  
19 do. So I take it all into consideration. I think  
20 it's a good plan and I'll support it. And I'll  
21 make one, but I don't know if any of the other  
22 trustees want to speak.

23 MR. HAWKE: I can tell you that, you know,  
24 a lot of what Mr. Walters just said was similar  
25 things that I looked at. The last piece when I

1                   looked at the concern was --

2                   AUDIENCE MEMBER: Can you speak into the  
3                   mike. I can't hear you. Thank you.

4                   MR. HAWKE: The last time that we looked at  
5                   this, you know, the same issue was, is that it was  
6                   geared around multi-family, it was geared around  
7                   the number of units. So I looked at the previous  
8                   plan, to the same situation, which I'm not sure  
9                   that I totally agree that it's fair, because every  
10                  plan should be reviewed in its own merits of what  
11                  it is, but to look at that, because of the  
12                  referendum and where it was and the pieces that  
13                  were there, the totals at that time were 23 units  
14                  in an R3 and approximately 150 in the R4 space.  
15                  That's 173 total units. The plan today that we're  
16                  being asked to make a decision on is 69 total  
17                  units. Drastic change.

18                  When you look at the current stance right  
19                  now, no rezone at all. If I just purely take the  
20                  acreage that's there, divide it by the minimum lot  
21                  size of RR, that's about 85 lots that could be put  
22                  in there. Now, I understand there's wetlands and  
23                  there's other issues, but the issue with that is  
24                  under RR there is no plan that has to be presented.  
25                  So I don't have any option to see that before it

1           would happen, until it goes through the process  
2           with all the agencies that would review it for what  
3           could fit and not fit. So there's no issue there.

4           Some of the comments that were made in the  
5           last meeting were, we'd be okay if you built  
6           beautiful homes on these RR lots, RR spaces,  
7           because those add more property value, is I believe  
8           were some of the comments. RR space only requires  
9           a 750 square foot home. That's all the more it  
10          requires. So you could do all those lots with 750  
11          square foot homes. If it's two-story, it's 1200.  
12          So there's some differences there compared to the  
13          current plan. Now we actually get to see what the  
14          layout is. That's another issue. As it stands  
15          now, there's no development plan we'd get to see  
16          until after it's proposed. There's nothing -- we  
17          can't say anything about it. As long as it fits  
18          the codes, that's where we go and what are being  
19          built.

20           Under the RR side of it, right now today,  
21          one of the big questions I've heard is traffic. As  
22          it stands, and I know that I talked to a couple  
23          folks, if it's RR right now, not only could it be,  
24          but I'm pretty sure it would be required to be  
25          connected to Trillium and Dellwood. You're not

1           allowed a dead-end road like that. They would  
2           require that. So at a minimum, it would create a  
3           loop through in my mind, in my simple mind of  
4           looking at this, would be a U to go through.  
5           Depending on how access management look at it, it  
6           could even put out another entrance or exit space  
7           onto Hills & Dales as well as Brunnerdale to bring  
8           traffic through and in and out of it. I don't know  
9           because I don't have a plan to look at because it's  
10          not required. Under the current R3 with the PUD,  
11          we get to see the plan, we know what's there. We  
12          know those roads aren't connected. We know the  
13          only connection is a minor connection for safety  
14          forces only, so there's no traffic directly coming  
15          in and out into the current existing allotment of  
16          Dellwood and Trillium.

17           The question was brought up about  
18          construction traffic. It doesn't matter if it's RR  
19          or R3, whatever it is, any construction, there's  
20          potentials for that. And we talked about that last  
21          time too, that that's something that we would  
22          monitor, keep an eye on from that perspective. And  
23          those traffic concerns, Mr. Walters alluded to that  
24          as a single-family, they're typically a higher rate  
25          of traffic. I can attest to that. As I sit here

1 today with two 16-year-old kids in my house, with  
2 my twins, the number of trips in and out of my  
3 house are a lot higher right now than they were  
4 before that point. I watch my phone blow up with  
5 how many times they've been in and out of the house  
6 today already. Funny how that happens when they're  
7 out of school, how that goes. So there's a lot  
8 more into that side based on Mr. Deville's plan now  
9 of looking at condos that would be geared more  
10 towards the 55 plus type of a crowd. Those numbers  
11 are usually less.

12 water and those drainage concerns, we get  
13 to see his ponds that he's putting in place. We  
14 know that they're there. They're on the current  
15 plan. Under RR right now, they don't have to show  
16 those ahead of time. Now, obviously to  
17 Mr. Walters' point, there are agencies that monitor  
18 that. Those regulations have changed a lot over  
19 the years. They've gotten a lot stricter, a lot  
20 more stringent. Those types of pieces would be  
21 looked at from that side. And then the other big  
22 issue, I know a lot of people brought up, not only  
23 just the size of the buildings, but how close they  
24 might be to their existing neighborhoods. with the  
25 way this plan is laid out, with the open space and

1           the other pieces in there, the setbacks to most of  
2           the existing homes are 200 feet, where in others,  
3           if the RR was there, it could be as little as 25 or  
4           10, depending on if it's side or rear. So that's a  
5           big gap from that side. I think the closest one I  
6           could find, trying to do my little eyes going  
7           through there, was about 58 feet, and that was out  
8           closer to the main entrance right there, and it was  
9           kind of a back yard piece on that side. So you're  
10          looking at 58 to 216 feet setbacks as opposed to 10  
11          or 25.

12           I keep looking at it. I've looked at it  
13          every way, gone back and forth through it. I  
14          really feel like a lot of these answers answered  
15          the concerns more than the current situation. The  
16          RR allows more homes to be built, it allows more  
17          space to be taken up. There's no open space  
18          requirement in the RR. There is here. Plus, we  
19          have the addition of the open space segment itself.  
20          So there's a lot of green space being preserved  
21          through those processes. And I think, you know,  
22          that was my issue before the last time was the PUD  
23          side of it. If we're going to talk about something  
24          different from the rural side of the rural  
25          residential RR zone, we should be able to see the

1           plans to know what we're getting into. And I think  
2           that's what helped folks see it, you know, from the  
3           referendum side. If you couldn't have seen it and  
4           it was just this is what it is, it's just space,  
5           there's no visuals, so I think you see the visuals,  
6           you know what they are, we see where these are.

7           Under the current RR, there's no homeowners  
8           association required. It just is what it is.  
9           There might be one. My allotment, it was a  
10          voluntary homeowners association. Doesn't mean  
11          anything. with this, with the condos, it's  
12          required by law that there's a condo association  
13          that follows all of that. So there's some other  
14          protections to that side of it. So for me, there's  
15          a lot of different protections here that just  
16          aren't there currently and certainly are different  
17          than where we were with the R4 piece that was  
18          there. And like Mr. Walters, I looked back at some  
19          of those things. Everything that was there, a lot,  
20          almost everything, nothing attached itself to the  
21          R3 piece that was in the last plan. It was  
22          centered on the R4 and the size of apartments, and  
23          then it was talking about renters. Currently as  
24          it's RR, as we stated before, people can rent an RR  
25          home right now. So there could be a rental there

1 now, but we wouldn't anticipate that.

2 Mr. DeVille's plan is for condos, not anticipating  
3 rentals. I believe that the condo association will  
4 address that issue when it's applicable, but that's  
5 not the intent. So from that standpoint, they're  
6 the same.

7 So I guess from my side of it, everything I  
8 see between the two is either the same or better  
9 under the change that's there. And in the current,  
10 definitely better based on the public's comments  
11 from the prior report. From the prior application.

12 MR. PIZZINO: Again, I agree with  
13 Mr. Walters and Mr. Hawke. I think this is a good  
14 plan. It's a totally different plan. My concern  
15 is not this plan; my concern is over rights, and I  
16 think we're all conscious of that, all three of us,  
17 and I asked Ms. Poindexter to go back and pull all  
18 the comments from the last hearing. I also asked  
19 her to pull the referendum, and Mr. Hawke and  
20 Mr. Walters were right, most of the concerns or all  
21 the current concerns were addressed and probably a  
22 lot better this time than last time, but the  
23 problem I have with it, do I have the right to take  
24 the voters right away. And the referendum said it  
25 was for an R3/R4 referendum. Now, I might be over

1 thinking this, I might be totally wrong, but that's  
2 the only comment I have, and I'm still struggling  
3 with it, so I don't even know how I'm going to  
4 vote, but that's my concern right now.

5 MR. HAWKE: Well, just to that point, I  
6 would agree, I mean, obviously voters rights are  
7 extremely important. As a voter, they're extremely  
8 important to me. But to that same piece, over my  
9 lifetime I voted on things that were one way,  
10 changed and brought back a different way and  
11 revoted on it. I think that point was brought up  
12 last time. This Board has done that, you know, we  
13 put on a levy that was a current specialty that  
14 failed, and we went back and changed it to what we  
15 heard from the voters, what they wanted to see,  
16 which was a specific park, and it came through and  
17 passed. So I think those things are always there  
18 and, you know, I look at it just from that side of  
19 it fits it. I heard all the pieces.

20 The advertisements were no multi-family.  
21 R3 is not multi-family. That's not where it  
22 exists. It exists in the residential space, not  
23 multi-family. So that's where -- and I do agree  
24 with Mr. Pizzino, he's right. The referendum did  
25 include both pieces, because that's where it came

1           in, because it was both R3 and R4 plan. It didn't  
2 say, because you weren't able to separate it out  
3 and say I only want to vote for this piece or that  
4 piece. Would that have made any difference? Would  
5 it have looked any different? I can't say that  
6 because there's no way to do it, but I think this  
7 does have a much different feel from that  
8 standpoint.

9           MR. WALTERS: Unless there's any other  
10 comments, I'll move to adopt the recommendation of  
11 the Zoning Commission.

12           MR. HAWKE: With modification.

13           MR. WALTERS: With the presented  
14 modifications.

15           MR. HAWKE: Second.

16           MR. GONZALEZ: Mr. Hawke?

17           MR. HAWKE: Yes.

18           MR. GONZALEZ: Mr. Walters?

19           MR. WALTERS: Yes.

20           MR. GONZALEZ: Mr. Pizzino?

21           MR. PIZZINO: No.

22           MR. WALTERS: It has to be unanimous.

23           MR. HAWKE: Mike?

24           MS. POINDEXTER: No, I think that's  
25 changed.

1 MR. WALTERS: What was changed, majority?

2 MS. POINDEXTER: Might want to check on  
3 that, but I think it's the majority.

4 MR. GONZALEZ: Majority vote.

5 MR. VACCARO: It's majority. That was  
6 changed probably five or six, seven years ago.

7 MR. HAWKE: Are you saying because of the  
8 modifications, it changes that? Can you confirm  
9 that before we --

10 MR. VACCARO: Yes.

11 MR. HAWKE: But he's saying because of the  
12 modifications, that changes that.

13 MR. VACCARO: If the Board denies or  
14 modifies the Commission's recommendations, a  
15 majority vote of the Board shall be required.

16 MR. HAWKE: Majority.

17 MR. VACCARO: Majority.

18 MR. GONZALEZ: Not unanimous.

19 MR. VACCARO: Not unanimous. So it does  
20 carry.

21 MR. GONZALEZ: Motion's valid.

22 MR. HAWKE: So that motion is adopted as  
23 modified and presented to the Board of Trustees,  
24 not to the Zoning Commission. With that, can I  
25 close the hearing?

1 MR. VACCARO: Yes.

2 MR. HAWKE: So with that, I'll make a  
3 motion to close the hearing.

4 MR. WALTERS: Second.

5 MR. GONZALEZ: All in favor.

6 MR. HAWKE: Aye.

7 MR. WALTERS: Aye.

8 MR. PIZZINO: Aye.

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12 (Meeting concluded at 5:53)

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1                   C E R T I F I C A T E

2       STATE OF OHIO )

3       STARK COUNTY )

4                   I, Deanna Gleckler, a Registered  
5                   Professional Reporter, Certified Realtime Reporter, and  
6                   Notary Public in and for the State of Ohio, duly  
7                   commissioned and qualified, do hereby certify that the  
8                   within meeting was by me reduced to Stenotypy and  
9                   afterwards transcribed upon a computer, and that the  
10                  foregoing is a true and correct transcription of the  
11                  testimony so given as aforesaid.

12                  I do certify that this Meeting was taken at  
13                  the time and place in the foregoing caption specified. I  
14                  do further certify that I am not a relative, counsel or  
15                  attorney of either party, or otherwise interested in the  
16                  event of this action.

17                  IN WITNESS WHEREOF, I have hereunto set my  
18                  hand and affixed my seal of office at Salem, Ohio on this  
19                  9th day of January, 2020.

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21                   

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22                  DEANNA GLECKLER, RPR-CRR, Notary Public  
23                  My commission expires 1-6-20.  
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