

January 14,

2025

Held

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The Etna Township Zoning Commission met on Tuesday, January 14, 2025, in the Etna Township Hall, 81 Liberty Street, Etna, Ohio 43018 for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 PM by Litichia McIntyre.

Members Present

Adam Kelley, Dave Olson, Litichia McIntyre, and Steven Smith

Members Absent

Shelly Marie Ipacs

Others in Attendance

Kevin Scott, Ben Weinstein (both of CRG), Holly Palumbo, Gary Burkholder, and Mark Evans

1. Opening

a. Call to Order

b. Pledge of Allegiance

c. Roll Call

2. Adoption of Agenda

Recommended Action: Motion to adopt the agenda as presented

Moved by: Dave Olson

Seconded by: Steven Smith

Yes Adam Kelley, Dave Olson, Litichia McIntyre, and Steven Smith

Carried 4-0

3. Zoning Commission Announcements and Comments

Shelly Marie was absent due to family matters.

4. Adoption of Meeting Minutes

a. Motion to waive the public reading and to approve the minutes from the October 22, 2024, meeting.

[ZC-2024-10-22 Draft Minutes 4.doc](#)

Motion to approve the October 22, 2024, meeting minutes

Moved by: Adam Kelley

Seconded by: Dave Olson

Yes Adam Kelley, Dave Olson, Litichia McIntyre, and Steven Smith

Carried 4-0

b. Motion to waive the public reading and to approve the minutes from November 12, 2024, meeting minutes

[ZC-2024-11-12 Draft Minutes 4.doc](#)

Motion to approve the November 12, 2024, meeting minutes

Moved by: Adam Kelley

Seconded by: Dave Olson

Carried

c. Motion to waive the public reading and to approve the minutes from

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December 10, 2024, meeting minutes

[ZC-2024-12-10 Draft Minutes.doc](#)

Motion to waive the public reading and to approve the minutes from December 10, 2024, meeting minutes

Moved by: Adam Kelley

Seconded by: Dave Olson

Carried

5. Old Business

a. Omega Morgan Outdoor Storage

Chair McIntyre stated the last meeting was for the preliminary plan development approval. The board did approve the preliminary plan development with conditions as specified below. The meeting tonight is for the final plan development approval. Ms. McIntyre stated if the vote of the Zoning Commission is unanimous, it will not need to be forwarded to the Board of Trustees for approval.

. If it is not unanimous it will be forwarded to the Board of Trustees as a recommendation. Ted Walker, the zoning inspector, read the staff report and recommended approvals with conditions. Mr. Walker did read the conditions. Mr. Walker also read an email from Linda Nicodemus from Licking County Soil and Water with concerns about the weight of the cranes and semis that will be on gravel, compaction and track out. Hydraulic, petroleum products or other possible pollutants from leaching into the soil and groundwater.

Kevin Scott with CRG introduced himself along with Ben Weinstein. They are based out of Chicago Illinois. CRG are the owners and developers of the Cubes at Etna. Mr. Scott provided an exhibit packet to the board. There was a list of questions asked by the board in the last meeting. The answers were answered in the exhibit packet. There is a letter from the Geotech engineer recommending and verifying that crushed aggregate is the proper surface material for this type of storage yard. There is an exhaustive list of safe handling procedures, including spill protection plans. Contemporary Construction will be constructing the yard. There is a price quote in the packet for asphalt or concrete. There were storm drainage questions from the last meeting that can be found in Exhibit D. The site plan has been revised to show access to Schuster Way which will be ingress and egress from a single point at the rear of Building D with no access on or off of Schuster Way. Mr. Scott is asking for two modifications: fence height and road base not having asphalt or concrete but crushed rock.

Steven Smith asked if the gravel versus concrete a deal breaker. Mr. Scott stated it would eventually be a deal breaker with the cost of installing and for the maintenance the tenant would be responsible for. The tenant would need to return the lot in the condition in which they received it. Over a five-year period, there could be another million and a half dollars spent to repave all four acres. Mr. Scott stated as for the drainage concerns, this is the first time they have heard of them. Mr. Scott requested to see the email from soil and water.

Ms. McIntyre asked how long each unit will be stored at the facility. Mr. Scott stated it could be as little as one to three months or the longest

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being six to nine months.

Mr. Olson questioned if the plan to construct the concrete is the same as what is in Exhibit A. Mr. Olson is not familiar with cement stabilized subgrade and requested an explanation. Mr. Weinstein explained a cement stabilized subgrade is basically a method of ground improvement by mixing a percentage of cement into the soil to strengthen the soil. Mr. Olson asked if they loosen the soil and then combine dry concrete and is there a ratio that is done. Mr. Weinstein stated it is typically a 5% ratio. Ms. McIntyre gave an example of the process of her church's construction of their parking lot. Ms. McIntyre stated concrete can be a little more durable if done properly.

Ms. McIntyre read Shelly Marie Ipacs comments and concerns. They were as follows - I have not been able to find a compelling argument to change, modify, or dismiss staff report recommendation number 10 of the preliminary development plan to require asphalt paving. On the contrary, I received confirmation and agreement to the zoning commission discussion and preliminary determinations on this issue from our 12-10-2024 meeting. I spoke with a zoning professional consultant, manufacturer, builder, and people who worked in manufacturing, contracting, and building. At the 2024 December meeting, we had experienced developers, contractors, and others familiar with similar conditions that affirmed and echoed our sentiment. As of now, I stand by my opinion and ask that you consider that the zoning commission does require OMEGA to meet the staff report recommendation number 10. Mrs. Ipacs would also like to know the number of employees Omega Morgan employs and potential employees. Mr. Scott stated they have just started operations, so he believes there are probably about 10 people; Mr. Scott is unaware of the potential employment hirings. Mrs. Ipacs has also sent an email to GROW Licking County with the same questions but has not received a response.

Adam Kelley had a few questions regarding the fencing. The applicants proposed razor wire on top of the fencing. Mr. Kelley wanted to confirm if razor wiring is allowed in that zone. Mr. Walker stated it is within the proper zoning. Mr. Kelley stated the reason for pushing for the pavement or concrete was the area is a proposed mixed-use area, and other areas want it to be aesthetically pleasing. Mr. Kelley also mentioned other areas that have gravel are possibly grandfathered in. Mr. Olson stated the other areas are not in the same PMUD. Mr. Scott stated all the gravel portion will be fenced.

Mr. Scott stated that between the crane, transloading on and off once a month, once every three months typically, increases the raw tonnage of this material, this will increase the maintenance of the lot if having to use asphalt or concrete. Omega Morgan is experienced with gravel lots. The site will store high dollar equipment and will be monitored 24 hours. Mr. Scott believes this lot will not go into disrepair.

Mr. Weinstein addressed Steven and Ted regarding the spill response. CRG will be happy to share Omega Morgans' spill response plans and

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their safe handling procedures. The plans are governed by OSHA.

Ms. McIntyre asked, is there any wiggle room with the type of gravel that they are proposing? Being that it has a concrete mix in it. Mr. Walker reminded the board that the recommendation specifically states it has to be an impervious surface and also the case is still in front of the Licking County Planning Commission and the TRC.

Ms. McIntyre stated these are Licking County Soil and Water concerns due to the sewer and water in the area that is being developed. There are still areas that may have wells. The concern is possible contamination should the fluids leak into the ground. Mr. Scott stated they have been through the TRC process and have engineered a plan for the drainage with runoff in the proper means and methods required. He also stated the equipment that will be stored are not 18-wheelers that have potential diesel, it's finished product.

There was confusion about whether the units would have any fluid in them. Mr. Smith stated he asked at the last meeting whether there would be any fluid in the units and the answer was no. However, it was stated by Mr. Weinstein the transformers generally have fluid in them. Adam Kelley stated if Licking County does not agree then there is nothing the Commission can do. Mr. Smith stated if Licking County approves the project, he is good with that.

Adam Kelley would like clarification from Soil and Water on whether it is signed off on or not. Under Exhibit E Soil and Water has signed off on the project, but in the email from Linda Nicodemus dated December 10th there seems to be a few concerns. Mr. Walker's conclusion is that he does not know that the surface was discussed at the TRC. Mr. Kelley would be ok with approval if Licking County approves, but there seems to be conflicting information. Mr. Kelley would like to get more clarification before making a decision.

Ms. McIntyre wants to make sure the process is followed the right way to prevent issues in the future. Mr. Scott stated it was his understanding they have been approved by all departments except Zoning. They have not been through the final TRC and requested contact information for Linda Nicodemus.

Ms. McIntyre stated if there were suggestions from Licking County the board would be willing to hear them. Mr. Scott asked if the approval is contingent on information received from Licking County, would there be a way to get a conditional vote tonight. Mr. Kelley stated it would not be a unanimous vote which would require it to be forwarded to the Board of Trustees with Mrs. Ipacs absence. Ms. McIntyre also stated Ms. Ipacs was clear on how she felt.

All parties discussed the fencing issues dealing with height and opaqueness. There are two different fencing heights. An 8-foot max height throughout the park. There is a 12-foot max fence height with the concept of it being one foot higher than the stored material.

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Buffering with trees is a possibility to cover the additional height needed was stated by Ms. McIntyre.

Adam Kelley suggested to table the matter. Ms. McIntyre stated the reason to table is because it would not be a unanimous vote and would be required to be sent to the Board of Trustees, and the process would be longer. Mr. Olson clarified the only time it will go to the trustees is if the board does not unanimously adopt the plan. Ms. McIntyre motioned to table the decision. The motion passed by unanimous vote.

Motion to table the decision until more information is acquired for the Omega Morgan outdoor storage.

Moved by: Litichia McIntyre

Seconded by: Adam Kelley

Yes Adam Kelley, Dave Olson, Litichia McIntyre, and Steven Smith

Carried 4-0

6. New Business

There is no new business. Ms. McIntyre stated the township administrator recommended removing the substantial text change from the agenda. The township administrator wanted to give all the time needed for Omega Morgan out of courtesy. The item will be on the agenda for the 28th.

7. Public Comments

Mark Evans - 910 Old North - Mr. Evans is disappointed again that the issue with the definition of substantial is being left off the agenda. No reason to reconsider it again since it has already been voted on. The vote occurred September 24th. There is an email stating concern it was not forwarded to the LCPC per ORC. Mr. Evans stated Ms. McIntyre has ignored the ORC multiple times.

Ms. McIntyre stated they have done their best to follow the Ohio Revised Code. They will not do anything that is unlawful and will continue to do the best they can.

Mr. Olson recalled the meeting and there was a motion made to forward the information to the Licking County Planning Commission in a proper standard. It went into the office, and it didn't go anywhere. Ms. McIntyre believes the zoning office was to review the motion to make sure the wordage was correct. Mr. Olson stated that is not the proper process, if a decision is made by the board it is to follow the ORC path and not the office path.

Gary Burkholder - Etna Township Trustee - 81 Liberty Street - Mr. Burkholder stated you cannot automatically send it to LCPC. There has to be a review by staff because there may be other sections of the code that could be affected. Mr. Burkholder what language would be sent now. Mr. Olson stated it would be the language for substantial variance and there would be a certain percentage on it. It was similar to Liberty Township. The motion was made to adopt that into our zoning resolution, and then it died. Mr. Burkholder stated the review is necessary to make sure that it's in compliance. It needs to make sure that it only applies to a specific section. Otherwise, it would apply to other sections within the code. Mr. Burkholder disagrees with Trustee Evans' recollection. Once you have the final language and it comes back to the zoning commission then you do have five days to get it to Licking County Planning Commission. The staff did not have an opportunity to fully vet the language. Mr.

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Burkholder stated the language substantial is anything not more than 25%. When, in fact, the language should be anything more than 25%, it's considered a substantial variance. Mr. Burkholder denounced Trustee Evans' aggressive and abusive behavior both on Facebook and to the commission. Mr. Burkholder stated the township administrator has reviewed audio and minutes from previous meetings and believes it should not go directly to LCPC but should come back to staff for vetting then be sent to LCPC. The report from the LCPC is only a recommendation and there could be modifications. Mr. Burkholder stated for the record, the contract for the planning expert was not extended.

Ms. McIntyre stated leaving the topic of substantial off was purposefully done by the recommendation of the township administrator.

Mr. Burkholder congratulated Mr. Olson on being appointed back to the zoning commission.

Steve Slyh - 1372 Londondale Parkway - Mr. Slyh agreed with Mr. Burkholder's comments regarding the behavior of Trustee Evans. Mr. Slyh was informed by another resident, Trustee Evans was providing information, advice, and answering questions from the applicant. Mr. Slyh believes that is stepping outside the bounds of his trustee duties. Mr. Slyh feels it is important for the other trustees to know the kind of behavior that is taking place.

Alesia Zacher - 79 Trail East - Mrs. Zacher thanked the board for an informative meeting. Mrs. Zacher was in agreement of the behavior of Trustee Evans calling it despicable.

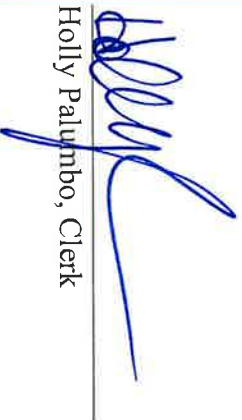
Steven Smith questioned why there is now a sheriff at the zoning meetings. Ms. McIntyre stated there have been some concerns from individuals and now they are present at all meetings.

8. Adjournment

Recommended Action: To adjourn at 7:23 pm

Moved by: Steven Smith

Seconded by: Dave Olson



Holly Palumbo, Clerk



Litichia McIntyre, Chair