

City of Norton
PLANNING COMMISSION
Tuesday, July 12, 2011

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Spisak called the meeting to order at 6:02p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, Ralph Dowling, Janet Jacobs, Richard Easterling

ABSENT: John Conklin (excused)

ALSO ABSENT: Russ Arters, Supt. of Bldg. & Zoning, (excused)

II. PUBLIC APPLICATIONS:

Chairman Spisak said he would change the order of the Agenda and will revisit the Application SPR4-2011, tabled from the June 28, 2011, meeting first, and continue with the public meeting of:

**Application SPR4-2011
Major Site Plan Review
Vinylux Properties Inc. /Ron Nausbaum, Owner
Justin A. Houze, Agent
Regarding property known as:
1750 Wadsworth Rd/PPN 4607026
[Proposing a Container operations business/storage of containers and
trucks and a Recycling operations business/recycling roof shingles, wood
and metals facility]**

Chairman Spisak asked the Applicant/Agent to step forward.

Agent Mr. Justin Houze 2314 Briner Ave., Akron, OH 44305 came to the podium.

Chairman Spisak had questions regarding the gated fence. He asked if it went around the property. Mr. Houze said yes, it goes around the entire property, with a separate fence separating the two parcels.

Mr. Houze was asked to restate the hours of operation. He said the container business was open from 7:00AM to 5:00 PM and the recycling would vary depending on the material received. Chairman Spisak asked if there would be any nighttime hours, and Mr. Houze responded no, just between 7:00 AM – 5:00PM.

Chairman Spisak asked questions about EPA permits and asked for copies of the current ones. Mr. Houze said his partner, Mr. Steve Johnson, gave those to him and he submitted those with the application now before the Commission.

Mr. Ralph Dowling was not there two weeks ago, so he had a couple of questions regarding the recycling part. He asked if the staging area would be outside; Mr. Houze said yes. Mr. Dowling asked if they needed 200 or 300 ton of material before they process it. Mr. Houze stated they need 100 ton to bring the equipment on site. Mr. Dowling brought up a failed tire recycling business on Clark Mill Road that was once located within the City of Norton; it became a huge problem for the City. He asked if Mr. Houze was bonded in any way if the business fails and if there would be any residual material left on site due to a failed business venture. Mr. Houze said yes, they were bonded. He further explained that if the partnership breaks, it is in the contract that Roof to Roof LLC would remove all of the material left on site. Leaving it behind would be a waste of money to them because it is all re-usable material.

Mr. Dowling reviewed the noise and dust issues as being concerns. Mr. Houze said the water from the mister used is actually soaked up by the material. He explained it helps with the weight and guarantees them a better product, because they make more profit with a heavier product. The noise issue would be similar to the grinder used a few properties to the west of this area; essentially it is the same.

Mr. Dowling said there was a note that the EPA permit has been processed in the 30+ page document, and assumed that was for the air emissions, water run-off or control of the water. He asked if there would be a lot of trucks coming in and out of the property and asked if it would be a fairly spotty business or will it be a continuous business. Mr. Houze said continuous business, but that it is only for Willoughby Supply trucks that service only Willoughby Supply customers. He has two hook-hoist trucks and a pick-up with a 12-yard equivalent dump trailer for the containers. These trucks only carry residential tear off material, no drywall, no toilets, no bathtubs etc., just shingles and single trim metals/wood from residential tear-offs.

Mr. Houze said there is a report that in the area there were about 100 ton of shingles by the 44203 zip code alone torn off last year. He said most likely they went to the landfill on Wadsworth Road. His business is a "green process" and would have recycled them and then shipped out the material; it would not be sitting in the landfill that the neighbors have been complaining about.

Mr. Houze said he wanted to add to the comments made at the last meeting. He said he did not want to be compared to the landfill. He would actually be reducing the amount of

material in the landfill and the trucks used to haul it in. These trucks carry mud and rocks and debris back onto the road when they pull out of the landfill. He takes pride in the fact that his operation is not a landfill, but would actually reduce the effect within the community. Regarding the property line concerns by Trinity Broadcasting for egress, the owner of his site told him that the west side of the fence sat further west. The gas company has an easement more inside his property line and Mr. Naubaum, the owner of his site, moved the fence west towards the buildings because of that. The owner has assured him that everything is all well inside the property lines. Regarding the magnet used, it is not for picking up cars; they are not City Scrap. It only pulls roofing nails out of the shingles within a 3 foot distance; it would not interfere with any broadcasting.

On a personal note, he was from the Loyal Oak area as a child, so he wants to bring his business into the City; bringing jobs and revenue to the City. His operation will not harm the community; he has no ill will, but wants to do something good for the community.

Chairman Spisak asked him if they would have a trash dumpster on the property. Mr. Houze said yes there will be an eight yard trash dumpster by Republic Waste on a concrete pad at the northwest corner of the north side of the building. It will be used for nothing more than lunch bag remnants and office shredding.

The applicant was asked if the Fire Marshall has looked at the property. Mr. Houze responded by saying that he has contacted their office, but the Fire Marshall is on vacation; they will get back with him to do an on-site visit. Mr. Houze went on to say that the building has sat for approximately three years, so the vegetation has grown up. He will spray it to knock down the growth.

Mr. Dowling asked about the staging area and if the Fire Chief was notified. Chairman Spisak suggested they could make that part of a condition that it meets the Fire Chief's review. Mr. Houze replied that the staging area is on the south side and there is plenty of room around it to get emergency vehicles there with plenty of room around the building also.

Discussion was had about the relocation of the fence line and the movement of that fence 10 feet into the property.

Ms. Jacobs commented that at the last meeting, there was some concern about the water run-off contaminating the water supply. She asked if there was any consideration of putting the material on a hard surface instead of just on the ground. Mr. Houze said that OSHA doesn't require this because there are no toxins involved. It is a minimum one-month processing with the materials being shipped out right after processing. He said the shingles do not lie on the ground long enough to decompose.

Chairman Spisak commented that almost every house has shingles. The homeowners aren't concerned when it rains and the water comes off of their shingled roofs down into the water supply now; it doesn't seem to be an issue.

Mr. Easterling asked if the flow of water would be west towards Pigeon Creek now; Mr. Houze said yes. Mr. Easterling asked that when they moved the fence for the

easement, are they now out of the right-of-way of the East Ohio Gas line that is there; Mr. Houze said yes, they have full ingress/egress

Ms. Jacobs revisited the encroachment of the driveway matter with Trinity Broadcasting. Mr. Houze said the owner said the driveway with the fence line was moved towards the Vinylux Property, so it is not encroaching.

~~Chairman Spisak checked the memo from Russ Arters, given to them before the meeting, to see if they addressed his comments with the applicant. Chairman Spisak asked for any other questions from the Commission members.~~

Chairman Spisak asked if the septic has been checked with the transfer of title. Mr. Houze responded by saying that Vinylux will maintain the property for 2 more years. They have an option to buy it, after the 2-year lease is up. The Owner has advised him that the septic for the building is suitable for 30 people. He asked the owner if there had been any issues with the septic and the owner said it had barely been used.

Mr. Dowling asked if they just would lease the property. Mr. Houze said yes they were leasing but Wooster Sheet Metal is at that location too, and is one of their customers. Wooster Sheet Metal wants to maintain that front parcel, so it would only be their parcel they would lease with an option to purchase.

Chairman Spisak asked for anyone else to speak for or against the application.

Linda Thomas 1684 Wadsworth Road, Norton, OH 44320, spoke against the application. She asked if we were recording the proceedings. Since there was a glitch last time, she was concerned (interim stenographer said yes they were recording). She wanted to clarify that she does not live up on top of the hill in the neighborhood up there, but she and her mother live directly in front of it. There are people who live in those houses that would be impacted by anything that happens in that area. Regarding the noise, the sound ricochets off the cliffs and goes back out. Originally, they said they will have a grinder that would come in once a month, but now they are saying if they get more material in they would bring the grinder in once a week. She wanted to know if the Army Corps of Engineers had been contacted to survey this property for any runoff problems or the impact to the environment. She said they were contacted when Mr. Eslich moved in with the landfill because there are wetlands there. She said according to Kent State University Professors there is certain vegetation there that is only indigenous to that area. Ms. Thomas said how is this going to impact that? More research needs to be done by either the Army Corps of Engineers, or biological or environmental agencies before this is decided. She said let's be fair, does Mr. Houze want to raise his family by this or have his elderly mother live beside this. She said "green" does not necessarily mean recycle, there is still noise and dust pollution. She said just because you recycle doesn't mean you are doing good, there are other aspects to it. Ms. Thomas would like the Army Corps of Engineers contacted to come in and do a study on the property for what the run off is going to be. She asked what happens in the off season if there is 200 ton of material sitting there, she can't believe it wouldn't rot and seep into the ground. If there is a fire up there, where are they going to get the water from to put out the fire; there are no fire hydrants up there, only wells. She said they have misting equipment

that will constantly be spraying and asked where is that water going to come from; there are not many wells up there. She stated she was almost rear-ended in her car the other night by a truck, and there will be more trucks if this is approved. She thinks the Commission should look into this further.

Chairman Spisak asked again for anyone to speak for or against the application.

Larry Singleton, 1684 Wadsworth Road, Akron, Ohio 44320, spoke against the application. He questions the statement of it being "green", and it would keep stuff out of the dump. He said a dump has a 7 – 10 year life expectancy, and it has gone past that (Eslich's property). He would rather see more dumped there, just so they could close it and be over and done with it and the truck traffic. Mr. Singleton said every week he picks up wood and shingles and debris in his yard falling from the trucks going to the dump. This new business says their trucks will be covered, but even if they have screens to cover them, if they are overfilled, the trucks will still drop debris onto the road and in his yard. He doesn't enjoy having to clean up his yard from this every week; no one would. He said when you drive by this area, you will see that the city or state just paved it a year ago. You should then take a look at the stretch of roadway coming down from Collier Road now with all the truck traffic. He explained the whole right side of the road is starting to crack and sink to the right. Mr. Singleton said the Applicant stated he used Republic for his trash hauler, but he thought everyone was to use the citywide J & J Refuge for a trash hauler. He complained that the City never put in a dump fee on this and with this business there will be more trucks coming down the road. He said he moved from Akron in 1995 and shortly after that in 1997 the Eslich dump came in, and now they want to put this in. Mr. Singleton stated right now the business has only his trucks coming in, but asked what if business gets slow. He wonders what would stop the applicant from adding more trucks not associated with Willoughby Supply from coming in and dumping. He said from what he has seen this has not been approved, but there are already containers on the property; he asked how can he do that?

Mr. Easterling corrected the misspoken statement from Mr. Singleton by saying that J & J Refuge is only mandated for residential use not commercial property, they can use their own trash hauler.

Kevin O'Shea, 1626 Rock Cliff Drive Akron, OH 44320, who lives at the top of the hill to the east, spoke against the application. He apologized for being late, but said he wasn't notified about the meeting, nor was he notified the last time (note: his property does not meet notification requirements by the City's Ordinances). He said he has been here before, (meaning he had dealings with the City of Akron on a similar situation) and that he is an educator with the school system. His property is located on the second highest spot in Summit County, and the winds come up from the site below to his property. Mr. O'Shea said he doesn't care what year they stopped putting asbestos in the shingles, it is still there. He was concerned on the identification of asbestos shingles versus non-asbestos, and he feels they could be ground by mistake. He was concerned with the air and water pollution for himself and his neighbors which include children and 96-year-old ladies. Mr. O'Shea began relating the health issues regarding carcinogens 40 years from now, and the memories he has of loved ones dying with cancer. He also doesn't like the possibility of the threat to Trinity Broadcasting. Even though he doesn't live in

Norton, he wants the Commission to look at this carefully, because it would have an impact on his neighborhood.

Chairman Spisak asked for anyone wanting to speak for or against the application.

Steve Leiby, 338 S Main St. Suite 302, Akron, OH 44308, representing Attorney for Trinity Broadcast, commented about the site plan itself. His purpose is that he has concerns about the deficiency in the site plan, according to the City's ordinances. He said an example is that it doesn't include the floor areas of the proposed scale, the roll off container, the sewer site, the recycle process area or the staging area. Attorney Leiby feels this will have an adverse impact on the properties around this site. He said it didn't show the dimensions to scale of the recycle process area, but he assumes it will be at the location of the shredder. Attorney Leiby said you don't know, because it does not show it. He said it doesn't have a drainage plan or calculation of the drainage impact approved by City Engineer. He questioned the EPA Permit to use the shredder at the site and the dust and particulate of the grinder operation. Attorney Leiby said he had questions about the parking dimensions, the area and the number of parking spaces as well as loading/unloading and equipment dimensions and the locations of the utility/electric meter and the service box. He said these would all be vital information if there were a fire at the location.

Chairman Spisak said he was going to stop the comments about the building, because it is already existing, so it would not apply to this application. Attorney Leiby agreed it is an existing building, but the areas for loading, the scale, the shredder itself, and the dump-site for the shingles, should be on the site plan. He did agree that some of it may not be relevant.

Attorney Leiby asked where, when and how the waste was going to be disposed of from this operation. He said it would have a visual impact on the abutting property. He said there is no reference to the mechanical equipment that could have an adverse affect on neighboring properties. He brought up issues about the grinder and it's specs and it's diesel engine generating waste; the use of the grinder inside or outside; the truck sizes needed to haul off the product; and that there was no noise control plan. Attorney Leiby presented to the Commission the 37 page EPA Permit to Install issued to Roof to Road LLC. He asked them to turn to page 3 at the top Part 1 of A that states it is a permit to install not a permit to operate. He continued by saying on page 6 he highlighted the page, and quoted from the text " the permittee shall submit complete operating permit application within 90 days after commencing operations of the emissions units covered by this permits". He said there is no record of Roof to Road having any operating permit. He contends that the permit is for the site in Columbus, explaining that site was a highly industrial commercial area, and not for the one on Wadsworth Road. Attorney Leiby said there was a provision for the applicant to obtain permission to move the shredder, but he found no record of them obtaining that permission.

Attorney Leiby asked the Planning Commission to deny the approval of the site plan on behalf of Trinity Broadcasting for the follow reasons: 1. Failure on numerous incidents to comply with the City's site plan regulations; 2. Failure to demonstrate proper Ohio EPA permitting and compliance; 3. Failure to address the significant noise problems; and 4) Failure to address water runoff problems.

Chairman Spisak asked if anyone else wanted to speak for or against the application; no one spoke.

Chairman Spisak asked for the last time if anyone wanted to speak for or against the application; no one spoke.

Chairman Spisak asked the members if there was any discussion.

Mr. Easterling said there were a lot of issues raised, pro and con, and suggested that the Commission might want to see a demonstration of the grinding method for a couple of hours to observe what it does in regards to the noise, dust and water runoff. Chairman Spisak asked if he meant the facility in Columbus, Ohio, and Mr. Easterling said no, on this site. Chairman Spisak said that they might be placing an unfair burden on the applicant, because the costs involved in moving that equipment would probably cost thousands of dollars.

Chairman Spisak asked Mr. Houze if he wanted to address providing a demonstration. Mr. Houze said he would need a couple hundred tons of material, and would literally have to open up the business to bring the material on site. More discussion followed and the similarity to the grinding operation of the Mulch Maker business in the same vicinity. In the end, Mr. Houze said it was just not cost effective to bring in the equipment, plus the costs of the man-hours, the trucks, and the fuel.

Mr. Dowling said in his review, he also had trouble with the site plan. He agreed to a certain degree with the representative from Trinity Broadcasting, saying that there are areas that need to be addressed better. In his opinion, they need input from the Fire Chief and the City Engineer. He sympathized with the audience members about the issues regarding the Eslich landfill. Mr. Dowling feels he needs more information and data to assure they will be following the City code and its requirements.

Chairman Spisak suggested that they could do something conditionally. Mr. Dowling said before making a decision they need an improved site plan, the Ohio EPA permitting is in question, and he thinks it should be tabled. Mr. Dowling said there are still specific issues for the City Law Director to comment on. Mr. Dowling said regarding the noise of operation, the noise generated would be similar to the kind of horsepower discussions they had at the time the Mulch Makers were before them; it is a fact of this type of business.

Mr. Phillip Greenawa, 149 Huntclub Drive, Akron, Ohio 44321, approached the podium and asked to speak. He is the Manager at Trinity Broadcasting. With respect to the noise, they film programs inside the building, which currently does not have the equipment to deal with the kind of noise generated by this business. He said it would take hundreds of thousands of dollars in equipment to keep out this kind of noise. They have a 7 million-dollar facility and when they came to the City they were going to beautify the City and add something to its value. They have beautiful grounds, well water, and will have noise issues with this situation. He said this business will not beautify or add to their property. If they were talking about a tax base for the City, more

than half of their employees at the facility would be making more than the employees would at this new business, so they would generate more money for the City. He said he is all for everyone making a living, but this would be an eye sore to the community. They have important people come to their facility, like Mayors, to do programming. When they come to do their programs, they won't want dust blowing around when they get out of their cars and walking across the parking lot. He said Trinity Broadcasting has made a substantial investment in this City, and this new facility will not be making that kind of investment. Their company brought life to the area and pride. They don't resent these people or want to cheat them out of a living, but they have an investment worth protecting. He said they will fight until it dies. They do not want it there, because of their tremendous investment; they don't want a dumpsite. Mr. Greenawa feels that the Board (Commission) is overlooking the fact of the tremendous implication of the Ohio EPA permits. He said the Board (Commission) has to have an absolute understanding of this, and said that is the greatest challenge to prove. Mr. Greenawa said they have 57 acres that include wetlands, and they are also concerned about the wetlands. They are especially concerned about the noise for productions and the guests coming in, sitting mayors, pastors of churches of 5,000 and more in their congregations, and dignitaries that come to be on their public affairs programs and tape shows.

Chairman Spisak suggested that the Commission make a list of exactly what they want to have addressed, to have their concerns answered. He wanted to relay a few things to the audience and said the area is zoned Industrial. He said this is a business that is entitled to go to that site. If they comply with the permitting and address the run-off, there is nothing the Commission can say. He just wanted the public to know that emotions are high anytime there is change. The Commission is out to protect the people of the City by following the laws and code, but they must see the flip side as well.

Mr. Singleton wanted to address the Commission again, and Chairman Spisak allowed him to speak. Mr. Singleton asked if the zoning ordinances in regards to noise of this machine also apply in industrial operations. Chairman Spisak answered that a noise complaint can be filed. Mr. Singleton gave an example of a neighbor riding a 4-wheeler in his neighborhood with no exhaust getting a ticket for loud noise; he wants to know if the machine noise would follow the same ordinance. Chairman Spisak said he would have to contact the Law Director with that question; Mr. Singleton agreed.

Mr. Easterling said it seems to largely come back to noise, and we don't know what the noise is. Chairman Spisak said he doesn't know what noise level an operation or business can function. Mr. Dowling suggested the Law Director needs to address that, because it is not going to be in the data they have. Chairman Spisak said it is probably under other codes that do not fall under the Commissions jurisdiction. Chairman Spisak said transfer of EPA permits, valid EPA permits, septic approval, location of trash dumpster, fire marshall approval and engineer review of run off and some more dimensions on the site plan from his notes that needs to be addressed. They can definitely make a referral to the Law Director about the noise to answer that question.

Mr. Dowling's viewpoint is that they need to table it and said the applicant could supply some data to pass it along on to Building Inspector and Engineer and Law Director for their review and input and to Fire Chief.

More discussion was had about the retention area for materials and how it is confusing on the site plan; Mr. Dowling feels the applicant has not met the requirements for the site plan.

Mr. Easterling asked the members if they had an opportunity to see the site, as he has been back there. He said if the members go back there, they would see the woods that surround the area. They have very high trees around the area. The issue of trucks on the roadway, it is a state route. They can not be stopped unless they are driving improperly; it is unfortunate, but then they should contact the police.

Ms. Jacobs asked about checking on the water run-off with the wetlands being right there. Mr. Easterling said that is the natural flow of water when it rains, that is where the water will go.

Chairman Spisak said he was going to move to table the application..

Mr. Easterling asked him to consider in the resolution, inviting the Law Director, City Administrator and the Building Inspector to attend the next meeting; Chairman Spisak said that would be a unique situation getting all of them in one room at one time.

Chairman Spisak moved to table application SPR4-2011 by PC Resolution 19-2011 until the August 9, 2011, meeting for further review of the EPA Permits and review by the Fire Chief, City Engineer and Law Director. Mr. Easterling seconded the motion. ROLL CALL: Chairman Spisak-Yes; Mr. Easterling –Yes; Ms. Jacobs-Yes; Mr. Dowling-Yes. The motion carried 4 - 0.

Chairman Spisak thanked the applicant.

Mr. Easterling asked Mr. Houze a quick question before he left about how far back the building was. Mr. Houze said he had a total of 7 acres and in approximation it was from 300 plus feet back.

Mr. Houze began to re-address the Commission by saying he was ready to open August 1st and this will be a financial setback to him. He has bought new equipment as well as promised the workers jobs. Mr. Houze discussed how he put the site plan together. Mr. Houze said he would consider doing the grinding inside the building and many other options, but he wasn't sure how feasible that would be. He talked about the money he has invested and the Commission's unexpected delays that could force him to look at sites in Akron for operation. He ended by saying he would love to keep it in the City of Norton.

Mr. Easterling apologized to the Chair, saying he just wanted that one piece of information. Chairman Spisak said yes, they had already made their motion on the application.

Mr. Greenawa started to address the Applicant in the galley. He told him there was nothing against him personally, but if he gets the authorization from the Board to go

forward, they will fight him every step of the way. He told him if there is anything that is done, they will be there and will make his life as miserable as possible. At this time, Chairperson Spisak ended this confrontation by Mr. Greenawa to Mr. Houze by saying loudly, that was enough. Chairman Spisak continued by saying the Commission was going on to other business.

Chairman Spisak called the next **Applicant/Agent**, and thanked them for their patience, and asked them to step forward and present their statements for:

**Application SPR6-2011
Major Site Plan Review
Amba & Mary Ellen Sargent, Owners
Charlotte Husk/Michelle Metz, Agents
Regarding property known as:
5013 Wooster Rd W /PPN 4603655
[Proposing to construct greenhouses in the
rear of the property and use existing building
for retail of deli meats, cheeses, and
related items.]**

Michelle Metz, Agent, 14858 Portage Street, Doylestown, Ohio 44230, said they currently have a greenhouse on 31st street by Mitchell Plastics. And it is too much work to put up and tear down and store. They are looking for a permanent place.

Ms. Jacobs asked if there was a sewer or water issue with the building. The applicant said yes, that the owner Mary Ellen and Russ Arters didn't agree with the issue of her having to tie in to the sewer. Apparently the rules say that the septic system had to be abandoned if public sewer was available to the site. That is why she closed down, because she didn't want to tie-in to the sewer. Since then, the applicant has been talking with Summit County Health Department and there are plans in the works for laterals to be installed; apparently when the original line was installed to service Isolab no laterals were installed on Wooster Road. That was the problem with the tie-in, there were no laterals there for anyone to tie-in to. The Summit County Health Department said they are willing to vacate the order to tie-in to the sewer and she can use the existing septic system. She said there was nothing wrong with the current septic system, but due to the order to vacate they could not use it.

Ms. Jacobs asked if she is leasing, answer she is purchasing on a land contract contingent on the outcome of the application.

Mr. Easterling asked for clarification that the present septic system was usable. Applicant said yes, it was only abandoned because of the rule to tie-in to public sewer when available.

Ms. Jacobs said she was familiar with it because her daughter was working there at the time.

Ms. Metz said it will be a long road to get to this point but she thinks it will work. The Owner told her she had a bad attitude about putting in the septic. Ms. Metz continued by saying that they envision a scaled down Shaeffer's Market. They currently have greenhouses with vegetables and flowers, but they would like to add retail sales. They will eventually like to fence in the whole property. Currently they just have the plastic sides and fronts that they try to seal shut at night. That does not allow air to flow for good ventilation around their plants and it doesn't protect them from vandalism. She stated that the neighbors have been receptive, unlike the previous application.

Mr. Dowling asked if they were planning to do this next year because of the time of the season now, or will they transition the commercial side of it this year. Ms. Metz said they have not torn their structure down yet, they are hoping to move it around the corner to this site. If they can get everything in place they would like to be open in September through October. She said the deli portion would be next summer. They would like to do pumpkins this year if they can, in order to generate money for the mortgage payments.

Mr. Dowling was concerned with the site plan and whether or not it meets with the city's requirements totally, similar to the other applicant; he noted some items were missing. The Applicant stated that Mr. Arters told her, since it was an existing building she did not need an elaborate site plan. Chairman Spisak said the building and drive was existing.

Discussion was had about the vehicular and pedestrian circulation plans and the parking out front, as well as the behind. The back is all gravel now, and the applicant said the existing parking in front would be used long term until it is fenced in. The trucks would enter in the back and the parking curbs are still in place.

Mr. Dowling asked if they were signing a lease on the property. The applicant said their intentions are to purchase after the approval by the Planning Commission. Mr. Dowling was a little concerned initially about the set back requirements for the fence and the fence line in correlation to the road and city property. Ms. Metz said she thinks there is 18 feet from the fence to the pavilion now and 2 feet off the property line.

It was discussed if the fence did not meet the zoning code, then she would go to the Board of Zoning and Building Appeals at that time for a variance to put the fence around the property; not a decision that is made by the Planning Commission.

Mr. Dowling asked if they had well water or city water. Applicant said well. He asked if there was any irrigation they would do would it just run off into the street. Ms. Jacobs commented that she thinks there is a ditch there.

The Commission discussed the tap in to water later down the road; it would have to be approved by the Engineer. The sewer line is across the street from this property. Other things required would have to go through the permit process of the City for approval.

Chairperson Spisak moved to approve application SPR6-2011 by PC Resolution 20-2011. Ms Jacobs seconded the motion. ROLL CALL: Chairman Spisak-Yes; Ms. Jacobs-Yes; Mr. Dowling – Yes; Mr. Easterling –Yes. The motion carried 4 - 0.

Chairman Spisak again thanked the applicants for their patience.

OLD BUSINESS:

Chairman Spisak asked if there was any old business.

There was a discussion about the rezoning issue at (1393 & 1395) Gardner Boulevard (R2-2011) and how Council approved it and the Mayor vetoed it. The applicant came in that day to talk with Mr. Arters to see what else he can put in that zoning.

A question was asked if the Law Director had given Mr. Arters the information for the owner on the (3112) Barber Road application (SPR5-2011). It was mentioned that Mr. Whyte was in the audience tonight, but did not stay. It was conveyed that Mr. Arters just received the information the day before, but the applicant was not notified to appear at this meeting tonight. Chairman Spisak said that is probably why he did not stay, because he saw it was not on tonight's agenda.

There was discussion among the members about how frustrating they are with the Administration that they can not get the information they need to make timely decisions and are having to table the applications.

General discussion was had by the members on various general items.

NEW BUSINESS;

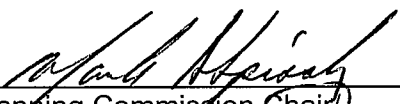
Chairman Spisak asked if there was any new business; there was none.

CONSIDERATION OF MINUTES: None.

ADJOURNMENT:

Chairman Spisak said as it stands, the next meeting would be July 26, 2011.

With no further business before the Commission, Chairman adjourned the meeting at 7:57PM



Planning Commission Chair
Vice-Chair



Planning Commission Vice-Chair/
Member

9/13/11
Date

PLANNING COMMISSION
AUDIENCE ATTENDANCE RECORD

The following individuals were present and wished to speak at the Meeting of the Planning Commission held on Tuesday, July 12, 2011

PLEASE PRINT:

<u>NAME:</u>	<u>STREET ADDRESS (NO P.O. BOX):</u>	<u>CITY & ZIP CODE:</u>
Justin A. Houze	2314 Briner Ave. Akron	Akron OH 44305
Linda Thomas	1684 Wadsworth Rd	AKRON OH 44320
Steve Zepko	388 S. Driskill	Akron, OH 44308
Karry Singleton	1684 Wadsworth	AK OH 44320
Kevin O'Shea	1626 Rock Cliff	AK 44290
Philip Greenawald	149 Huntclub Dr	44321
Michelle Metz	14958 Portage St	Doylestown OH 44230

Signed: Liben Lukas
Interim Stenographer

RE: SPR4-2011



City of Norton
4060 Columbia Woods Drive
Norton, Ohio 44203

Administration (330) 825-7815 * Finance (330) 825-4511

FAX (330) 825-3104 * Website: www.cityofnorton.org

Planning Commission :

Re: recycling business

- 1) The property is zoned I-1 which allows industrial/manufacturing business in the City of Norton
- 2) All approvals must be met by the applicant which includes fire, building ,epa and any other permits
- 3) The site plan should have your approval which can include; fencing, hard surface for material, trash dumpster location, and any other requirement that you may think is needed.
- 4) I would like to know hours of operation, # of trucks a day, size of trucks, how long in between grindings, septic approval
- 5) I believe that this would be a good site for this type of business and we should work with them to make this happen

I am sorry that I can not attend tonight but I am confident that you will make the right decisions based on the business and not what people may say because they are against it.

Russ Arters

A handwritten signature in cursive script that reads "Russ Arters".

Superintendent of Building and Zoning

PLANNING COMMISSION RESOLUTION

July 12, 2011

PC RESOLUTION NO.: 19 - 2011

RE: Application SPR4-2011
Major Site Plan Review
Vynlux Properties Inc. /Ron Nausbaum, Owner
Justin A. Houze, Agent
Regarding property known as:
1750 Wadsworth Rd/PPN 4607026
[Proposing a Container operations
business/storage of containers and trucks
and a Recycling operations business/recycling
roof shingles, wood and metals facility]

The Planning Commission does hereby make the following recommendations on the above:

TO TABLE THE APPLICATION UNTIL 8/9/11 FOR
FURTHER REVIEW OF EPA PERMITS
AND REVIEW BY FIRE CHIEF, CITY ENGINEER
AND LAW DIRECTOR.

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 19 - 2011 has been:

APPROVED _____ DENIED _____ TABLED 0

This resolution shall be sent to:

Administration for _____ it's action or for ✓ it's information, and
Council for _____ it's action or for ✓ it's information.

[Signature]
Planning Commission Chair/Vice-Chair

[Signature]
Planning Commission Vice-Chair/Member

7/12/11
Date

PLANNING COMMISSION RESOLUTION

July 12, 2011

PC RESOLUTION NO.: 20 - 2011

RE: Application SPR6-2011
Major Site Plan Review
Amba & Mary Ellen Sargent, Owners
Charlotte Husk/Michelle Metz, Agents
Regarding property known as:
5013 Wooster Rd W /PPN 4603655
[Proposing to construct greenhouses in the
rear of the property and use existing building
for retail of deli meats, cheeses, and related
items.]

The Planning Commission does hereby make the following recommendations on the above:

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 20 - 2011 has been:

APPROVED X DENIED _____ TABLED _____

This resolution shall be sent to:

Administration for _____ it's action or for X it's information, and
Council for _____ it's action or for X it's information.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member

7/12/11

Date