

Newton Falls Planning & Zoning Commission met in Regular Session on Wednesday, September 8, 2021, at 6:00 p.m. Brian Axiotis called the meeting to order.

ROLL CALL:

Axiotis, Stanish, Bodnar, King

ABSENT: Willaman

Stanish made a motion seconded by Axiotis to excuse Willaman from tonight's meeting.

ROLL CALL: Stanish aye, Bodnar aye, King aye, Axiotis aye.
MOTION PASSED 4-0

ALSO, PRESENT:

Pam Priddy, Interim City Manager; Mark Stimpert, Zoning Inspector; Kathleen King, City Clerk; Brian Kropp, Council Representative; Adam Zimmermann, Alternate Council Representative.

APPROVAL OF MINUTES:

Stanish made a motion seconded by Bodnar to approve the June 1, 2021, Regular meeting minutes as submitted by the Clerk.

ROLL CALL: Bodnar aye, King aye, Axiotis aye, Stanish aye.
MOTION PASSED 4-0

PUBLIC HEARING(S) DISCUSSIONS(S)/VOTE(S): none

UNFINISHED BUSINESS:

1) Unlicensed and inoperable vehicles in Commercial Districts.

Stimpert stated at this point we were going to file charges per our ordinance. Some of these may end up in court. The problem is that towing companies will not tow the vehicles without a title and a lot of the vehicles have been abandoned. Axiotis felt the ordinance left a lot to be desired and should be looked at for better descriptions. Stimpert asked Council Representative Kropp to take a look at the current ordinance. Stimpert also noted that the ordinance was vague, and he was not sure if this was a Zoning or Police issue. Kropp said he would take a look and bring it back to this board to work with them. This will remain under old business on the agenda.

2) Codified Ord. 505.16 – livestock

Ashton Hickman submitted additional information to the commission members per their request. Axiotis felt our legislation was vague, but still did not feel it was a good idea to allow this use. He did not feel we were a big enough City to allow livestock and very few parcels would qualify. Some of the information received were very extensive on their regulations and some even regulated bees. He suggested we leave this as is.

All members agreed that this should be looked at before any changes were considered.

Ms. Hickman stated that in June concerns were discussed about EPA and waste runoff. She did contact the EPA and they have no jurisdiction over ground water or waste. She also noted that H.B. 127 did not pass but was going to be reintroduced. She also questioned who visited her neighbors. The neighbors evidently were concerned with smell. Ms. Hickman felt her two 170-pound dogs would make more smell than the smaller chickens. She also noted that they spread their yard with manure twice a year. She was requesting the change for larger yards not the postage stamp yards in town. She was concerned with things going on that people would be getting chickens regardless of the ordinance and that would create a bigger problem. She asked that they come together and get an ordinance for the community. To table this would not make sense.

Axiotis also expressed concern that no one else was here requesting changes. If more residents were interested that might be a reason to continue to review and move forward. He said he would like to help her but unfortunately sometimes they have to say no. The job of this board is to analyze the request and see who it affects.

Brief discussion was held on how many properties these effects. Ms. Hickman said she is not bringing this to the board specifically for their property. She would like this updated to benefit other properties in the City. Members agreed that if more residents showed interest in this, they would further consider changes or looking into it more.

This will remain tabled under old business.

3) Private Dog Park

Axiotis stated that the last time this was discussed parking issues came up. The variance required to meet the parking requirement would be large and he was not inclined to give that big of a variance from the regulations.

Discussion was held on the exact name and/or use of the area. Was it a dog park, dog walk, dog club... Could the name and use change the requirements on parking. King also noted that there is no building to be able to determine the square footage needed.

Axiotis made a motion seconded by Stanish to excuse Councilman Kropp from the meeting at this time.

ROLL CALL: King aye, Axiotis aye, Stanish aye, Bodnar aye.
MOTION PASSED 4-0

Nicole Cozart, applicant, stated at the last meeting she had a couple of homework assignments to complete. She contacted the EPA, and they had no concerns with the river and a buffer strip was not needed. She also collected current dog park regulations from other areas and passed them along to this board. The biggest question was the parking issue and if there was a way to grant the variance or if calling it a club would change the requirement. Clerk King asked that the questions be submitted to her, and she would forward them to the Law Director to get his opinion. Mr. Cozart noted that this is dealing with the unknown and they are trying to address all the questions and concerns as best they can.

Axiotis stated right now the bottom line is that they can't grant a variance that large.

This item will be left on the agenda under old business.

NEW BUSINESS:

1) Recovery Houses

Members received an opinion from Attorney Fritz on this issue. Axiotis noted that per the opinion there was very little that could be done. Members briefly discussed the opinion and possible options.

King made a motion seconded by Stanish to accept the opinion received from Attorney Fritz and no action would be taken from this Commission.

ROLL CALL: Axiotis aye, Stanish aye, Bodnar aye, King aye.
MOTION PASSED 4-0

2) ARCK Electronic sign

Stimpert stated Arck Electronic discussed a possible variance to put a sign in the devil strip. They currently occupy the building next to the laundry mat on Canal Street. Members briefly discussed the area and visibility of the sign. It was suggested they fill out a permit application for review and not try to figure out what they want without proper paperwork.

3) Tax Building Parking

Previously the Insurance Company came to the board about adding parking in front of their building on Broad Street. The new business at that location would like to move forward with the proposed parking and want to know what they need to do. They are willing to pay the cost to put in six spots and one handicapped parking pot in front of the building as previously discussed.

Members discussed how much space these proposed parking spaces would need. They also discussed angle vs parallel parking. Ms. Priddy asked how it would affect the continuance of the sidewalk. Stimpert stated there would be a bumper before the sidewalk. Ms. Priddy also asked what this would do for the aesthetics of the community. No final decision was made at this time.

4) D.O.R.A. Designated Outdoor Refreshment Area

Axiotis explained the proposed us for this in the community. We are allowed one DORA area in the community because of our size. There are regulations and applications that would need filled out. The application would be specific on hours and properties involved. His concern was with events like the Car and Bike show when the July 4th Committee has beer truck available which helps them raise funds for the fireworks. Would this cut into their potential profits. He asked if we could restrict days so that the July 4th Committee was not affected.

Bodnar made a motion seconded by Axiotis to move forward with the DORA application to Council.

ROLL CALL: Stanish nay, Bodnar aye, King Abstain, Axiotis aye.

MOTION FAILED 2 ayes – 1 nay – 1 abstention

King stated he would like to know more about this before he votes to approve. He would like to see the legislation in writing and brought back to them for review.

Axiotis said he would like to hear what the July 4th committee has to say because the car and bike show weekend is one of their biggest fundraisers. He would like to see the car and bike show dates eliminated for the use of the DORA application. He also questioned if the bars have been approached with this and what they thought. Stimpert said Mr. Colosimo did talk to the bars about this and they know they would have to purchase the cups.

After a brief discussion Axiotis made a motion seconded by Bodnar to reconsider the prior motion.

ROLL CALL: Bodnar aye, King aye, Axiotis aye, Stanish nay.

MOTION PASSED 3 ayes – 1 nay

Axiotis made a motion seconded by Bodnar to forward this to Council with limitations as discussed.

ROLL CALL: King aye, Axiotis aye, Stanish aye, Bodnar aye.

MOTION PASSED 4 -0

5) Sidewalk Repair (Fiber optic related)

Stimpert stated we have had a lot of problems with the fiber company that did the installation down St. Rt. 534, Ridge Road, and south side of Arlington. We have worked out that Ridge Road underpass to the end of the sidewalk will be replace with new sidewalks. Also, downtown

between Canal and Center will be all new. Out by James Funeral Home the sidewalks marked will be replaced. All this work will be done by the Fiber Optic company at no cost to the City.

REPORTS:

Mark Stimpert – Zoning/Code Inspector gave a brief review of his monthly zoning report.

CLOSING COMMENTS:

Stimpert discussed the monument that the Commerce Association want to purchase in memory of the tornado. Ms. Priddy said they would like to put it up in Four Corners park by the Christmas Tree. The monument will be four feet with a base two foot wide.

Stimpert also said he is working on a sign for the soccer field on St. Rt. 534 known as the “Spiko Field”.

ADJOURNMENT:

After no further comments or questions Axiotis made a motion seconded by Bodnar to adjourn at 8:16 p.m.

ROLL CALL: Axiotis aye, Stanish aye, Bodnar aye, King aye.

MOTION PASSED 4-0

Brian Axiotis, Chairperson

ATTEST: _____
City Clerk