

1 BEFORE THE JACKSON TOWNSHIP TRUSTEES
2 AMENDMENT NO. 630-17
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6 JACKSON TOWNSHIP ZONING) TRANSCRIPT OF
7 DEPARTMENT AMENDMENT) PROCEEDINGS
8 APPLICATION)

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14 The following Meeting was taken before
15 me, the undersigned, Deanna Gleckler, a Registered
16 Professional Reporter, Certified Realtime Reporter and
17 Notary Public in and for the State of Ohio, at the
18 offices of Jackson Township, 5735 Wales Avenue, N.W.,
19 Massillon, Ohio, before the Jackson Township Trustees, on
20 Tuesday, the 27th day of June 2017, at 7:26 p.m.

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1 APPEARANCES:
2 TRUSTEES
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4 TODD J. HAWKE - PRESIDENT
 JAMIE WALTERS
 JOHN PIZZINO

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ALSO PRESENT: Joni Poindexter - Zoning Inspector
Michael Vaccaro, Esquire
Randy Gonzalez - Fiscal Officer
Mark Brink - Police Chief
Ralph Boger - Public Works
Director/Highway Superintendent
Tracy Hogue - Fire Chief

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MR. HAWKE: We'll call the meeting to order
and we will open purely the deliberation and
decision portion of the continued zoning hearing
from the other night for the Tam O'Shanter
property. Ms. Poindexter, do you want to open with
anything?

MS. POINDEXTER: No.

MR. HAWKE: All right. Then I think I'll

10 just not put you on the spot, but I will ask
11 Mr. Pizzino if you want to start with anything
12 you've got.

13 MR. PIZZINO: Okay. Well, thank you. As I
14 said last meeting, we have an opportunity here and
15 an opportunity that we've never had before and
16 probably will never have again. We have an
17 opportunity to save 225 acres of green space. At
18 the last meeting we listened to the majority of
19 people in favor of. There was some people that had
20 concerns. We listened to their concerns. We
21 continued the hearing for one reason; to try to fix
22 those concerns. Myself, Mr. Gonzalez, our
23 administrator, Mr. Vaccaro, went back to the Tam
24 O'Shanter people and we were talking about possibly
25 a buffer zone. We were talking about some stepdown

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1 zoning. All good things. I think it's important
2 we represent everybody to try to -- I know we're
3 not going to get everybody to agree or disagree,
4 but, you know, we're here to serve everybody. I
5 think we found a way of compromise. And I asked
6 Mr. Vaccaro to go back to the other attorney and
7 see what they could do to legally fix this problem,
8 and that down the road, whoever buys that property
9 would have to basically conform to whatever he puts
10 together legally.

11 Before I turn it over to Mr. Vaccaro, I
12 want to say one thing to the Board. We've got to
13 decide what's the best land use for Tam O'Shanter.

14 We know Tam O'Shanter's not going to be there. We
15 know we have an opportunity to turn the 225 acres
16 into green space. I'm going to caution this Board,
17 if we -- if that's the best use, that's fine. If
18 the 400 homes is the best use, that's fine. But if
19 we give them 400 homes, they're going to sell it to
20 a homeowner, we already know that. Don't forget,
21 we've got Carriage Hill there with 46 acres that
22 they could put another 460 apartments on those,
23 that land right beside it. Do we want roughly 900
24 residential units there? Can our schools handle
25 that?

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1 Mr. Gonzalez and the traffic, went in
2 detail how we're going to fix the traffic on those
3 intersections, how we're going to fix the traffic
4 in the neighborhoods, and how we can fund that. I
5 guess it's up to this Board, the majority of this
6 Board, to decide what we're going to do from this
7 point on.

8 So, Mr. Vaccaro, I'm going to put you on
9 the spot. Did you find a legal way to do what I've
10 asked?

11 MR. VACCARO: Yes, sir. The short answer
12 is yes. And what I spoke to Mr. Moore about, and
13 Mr. Moore, I'm probably going to address you
14 directly. Not probably. I am going to address you
15 directly. One of the things we discussed was
16 starting in what I consider to be the northeast
17 corner of the Carriage Hill Apartment building
18 right there where the driveway meets Everhard, we

19 discussed a B-1 zone that would go 300 feet north
20 and go 400 deep.

21 MR. MOORE: 400 feet east.

22 MR. VACCARO: 400 feet east. I'm sorry.
23 That's what I mean, east.

24 MR. MOORE: Yes.

25 MR. VACCARO: And at this time, is that

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1 still amenable and would you be willing to, if it
2 is amenable, to modify your application to reflect
3 that?

4 MR. MOORE: Yes. The applicant is willing
5 to modify his application to accept that B-1 zoning
6 300 feet and 400 feet east.

7 MR. VACCARO: Additionally, we discussed at
8 that time an easement to the adjoining landowner, I
9 think that's Geitgey Properties. I'm not 100%
10 sure.

11 MR. MOORE: It's a Geitgey entity, yes.

12 MR. VACCARO: Geitgey entity, okay. With a
13 diameter width of 20 feet, running from the end of
14 that 400 east to the last, end of the last building
15 existing on the Geitgey property.

16 MR. MOORE: Yes, that's correct.

17 MR. BENNELL: That's my understanding.

18 MR. MOORE: The applicant would be willing
19 to draft an easement that would provide for the
20 retention -- (Brief interruption). The applicant
21 would be willing to draft an easement and provide
22 to the Geitgeys for their consideration a 20 foot

23 easement along that, that would be their northern
24 property line, and that easement would be for the
25 preservation of the existing trees. That easement

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1 would have conditions in there that would make it
2 subject to the successful unappealable B-3 zoning
3 approval.

4 MR. VACCARO: For the unmodified portion?

5 MR. MOORE: For the balance of the acreage
6 besides the B-1 acreage.

7 MR. VACCARO: Okay. And again, your
8 client's willing to do that also?

9 MR. MOORE: Yes.

10 MR. VACCARO: He's prepared to modify their
11 application to reflect that?

12 MR. MOORE: Yes.

13 MR. VACCARO: Okay. It's also my
14 understanding the Geitgey entity has retained
15 counsel and you've been in communication with them.

16 MR. MOORE: That's correct.

17 MR. VACCARO: I have no further questions,
18 but that is what I was able to work out with
19 Mr. Moore, I believe, you know, it to be a good
20 buffer and easement in and of itself is very
21 generous, and frankly, I've got to credit
22 Mr. Moore, that was his idea. Again, I think it's
23 a very generous easement.

24 MR. PIZZINO: And no matter who owns that
25 property then?

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1 MR. VACCARO: It runs with the land.

2 MR. MOORE: It runs with the land.

3 MR. PIZZINO: Mr. Hawke, does that answer
4 your concern about the B-1?

5 MR. HAWKE: Yeah. I mean, that was the
6 issue, the big thing for me was putting the B-1, as
7 we talked about, stepdown, and now we're bringing a
8 stepdown between a B-3, B-2, and the residential.
9 So you're doing that, giving them that buffer as
10 the 20 feet around gives that buffer for the
11 remainder that has to go back.

12 MR. PIZZINO: And it goes back about 1100
13 feet from the road, Mr. Vaccaro, that buffer?

14 MR. MOORE: Approximately.

15 MR. VACCARO: Approximately. I mean, this
16 will have to be, obviously if this goes forward,
17 will have to actually be surveyed, but
18 approximately, that's from a map view.

19 MR. PIZZINO: You're aware of those
20 approximately 1100.

21 MR. MOORE: Yes. I'm aware that it goes
22 back that far.

23 MR. PIZZINO: Okay. I'm sorry,
24 Mr. Walters.

25 MR. WALTERS: You have anything else, Mike?

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1 MR. VACCARO: That is at this point where I
2 left the conversation some days ago with Mr. Moore.
3 He's indicated for the record he's willing to
4 modify his request to do so. Certainly it's one of

5 the three options before the Board today.

6 MR. WALTERS: Okay.

7 MR. GONZALEZ: If I could, Jim, just by way
8 of explanation, the big concern was, Trustee Hawke
9 has been looking at what the natural setbacks are,
10 and there are some things in our zoning code that
11 I'm sure he can go into detail with, but they have
12 to put up trees and shrubbery, and I think the
13 biggest concern is, from somebody that's hit a lot
14 of golf balls in that apartment complex playing
15 that hole, there is a nice row of trees there, and
16 technically somebody could still come down and cut
17 those down and the protection was never -- myself,
18 I live right across the street from BJ's Warehouse,
19 and they're supposed to have big trees buffering
20 me, too, but those trees die and it's hard to
21 reinforce. We want 100 foot tree, who's going to
22 come? Mr. Moore came up with a great idea, though,
23 that I think you'll see us use in zoning in the
24 future, by giving this easement, it literally gives
25 the property owners of the apartment complex the

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1 right to, that 20 feet, if they wanted to put a
2 fence up in there, they could do that, but it
3 basically really protects that tree line that's
4 there. So nobody could touch that no matter what
5 building goes on next to it. So it was a great
6 idea. We've never done that in the past.

7 MR. MOORE: I would say we would put in
8 that easement the ability to plant new trees along
9 that east line.

10 MR. WALTERS: Well, you know, we've
11 listened carefully and diligently to a lot of
12 residents and folks in the community for many
13 weeks, and as I have said to a lot of people, while
14 we're evaluating this request, we have to consider
15 what's in the best interest of the community as a
16 whole, while giving due consideration to those in
17 the immediate and surrounding area. And based on
18 what I've heard this evening, I think that B-1
19 zoning modification, as well as that easement,
20 accomplishes that. This is a once in a lifetime
21 opportunity, to secure 220 acres of permanent park
22 and green space for our community, and at no direct
23 cost to our residents. So I am strongly and
24 enthusiastically in favor of this request and I
25 will vote to approve it.

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1 MR. HAWKE: Well, for me, I kind of want to
2 piggyback with some of the things that Mr. Gonzalez
3 just said. One of the issues, when you look at
4 stepdown zoning in this commercial situation of
5 going to B-1 is, the B-1 setbacks are actually
6 smaller than B-3 setbacks. So if we put a B-1 next
7 to the residential, we actually shrink the setback
8 that we're requiring there. So while you think
9 you're doing one thing well, you're creating
10 another issue in that situation. So this
11 additional 20 feet of easement around helps
12 alleviate that, because the B-3 setback is 20 feet.
13 B-1 is 10. So we are going back. So now you're

14 getting the better zoning piece you wanted there as
15 far as B-1 versus B-3, as well as the 20 feet
16 setback on top of it. So that kind of, that helps
17 me feel a little more comfortable from that
18 standpoint.

19 Some of the other things that we were
20 looking at, too, and Mr. Gonzalez's point, I went
21 back to the zoning code and looked at some of those
22 issues of what happens when commercial abuts
23 residential. It is written in the zoning code that
24 we have here in the Township as to exactly what
25 happens in that situation. The buffer yard must be

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1 maintained, how much it has to be, those types of
2 things. One of the things would be existing tree
3 issue. One of the items in that list of screening
4 is maintenance of the existing natural vegetation
5 that in its natural state forms a sufficient screen
6 with a height of not less than six feet. So while
7 those trees are a lot higher than six feet, they
8 meet that. So the main thing, though, is it's one
9 of the pieces that has to happen when residential
10 abuts any type of business, whether it is B-1, 2,
11 3, whatever that may be. So that does give me some
12 pause there.

13 There was some questions about folks across
14 the street on Everhard. There is also a piece in
15 the code that requires screening for business that
16 is across the street from a residential location.
17 Screening that has to be up where any parking is of
18 at least three feet, so to block headlights and

19 things like that that would come through. So there
20 are a lot of items like that that are already in
21 place for that. I don't know the development
22 plans. No one knows. There has to be some piece
23 to who's going to buy it, where that's going to go
24 and those types of things that go with it. So
25 those pieces are all coming back to answer some of

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1 the questions we were asked and things that we were
2 looking at to try to make it just a little bit
3 better from that standpoint.

4 The other question came up about Mr. Fonte
5 in the deed restrictions that may be there that are
6 part of the Stark Parks piece. He was kind enough
7 to forward me a copy of the grant application. I
8 will tell you, I didn't fall asleep, I read through
9 the whole thing. Took a little work, but one of
10 the items that comes into that grant funding is,
11 you know, Bob corrected me on some of the things
12 that were in there a little bit, but basically the
13 way that it would work is if it's used for
14 something other than what the grant was initially
15 intended for, the passive park land, then as soon
16 as that happens, they're required to repay OPWC
17 100% of the funds that were disbursed for the
18 entire project. They're also required to do
19 anything that has to do with the acquisition pieces
20 that went along with that, as well as a 6% a year
21 interest factor. So if you do the math on a 6%
22 number, if you take 6% on that, if the number is

23 roughly, I believe 6 million is going to be the
24 total number when we're done, if you take that
25 number, in twelve years that number doubles. So

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1 for anybody to buy just one acre or a half an acre
2 from him, they're going to have to pay him \$12
3 million to pay that grant back. I don't know about
4 you, I know land's expensive, but that's way more
5 than I would be willing to pay. So that number
6 keeps expanding from that side. So that
7 restriction is pretty restrictive from that
8 perspective.

9 So I think there's a lot to do with that,
10 as well as, and I'll give you a little plug today,
11 too, on that. I think, you know, there's a lot of
12 options that happened inside of that master plan,
13 which we were part of, and we sat through, that had
14 trails and things to walk, to bike, to have
15 internally inside of that, and the plug is, I just
16 rode part of the trail over the weekend. Around a
17 lot of people. Around a lot of stuff. Around the
18 Canal Fulton area, back and forth. It was great to
19 see the people out there. My son enjoyed riding.
20 It was a great situation. So to have even more of
21 that space here locally and not have to go to
22 Clinton to start, or any of those other places to
23 start, other places on the trail, will be a nice
24 piece to add in to that.

25 So there's a lot of pieces that go into it,

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1 but I think the questions that were asked, add the
2 traffic issues in, the things we're able to answer
3 there, I think we've created some things that
4 answer those questions at this point. So I agree
5 it was well worth stepping back, and I'm glad that
6 we did that, take a look at some of those issues
7 that were included in the plan to see what we could
8 do to tweak it a little bit and better it and so
9 forth. That's all I had from that. Anything else?

10 MR. HAWKE: Mr. Vaccaro, do you have
11 anything else?

12 MR. VACCARO: I have nothing further.

13 MR. HAWKE: Well, then from the list of
14 options that we're able to do, and you're going to
15 have to correct me if I say this wrong, Mr. Law
16 Director, I will go ahead and make a motion to
17 adopt a modification of the recommendation of the
18 Zoning Commission to allow for the buffer area of
19 B-1 and a 300 feet north from the Carriage Hill
20 property line, 400 feet due east of the Carriage
21 Hill property line through that segment, as well as
22 a draft easement of 20 feet along the same property
23 line through the property along Carriage Hill.

24 MR. VACCARO: That easement is conditional
25 and includes?

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1 MR. HAWKE: That easement is conditional
2 upon the full approval, as well as it offers the --
3 will offer the ability to plant new trees or
4 vegetation, as the property owner required.

5 MR. VACCARO: Correct.
6 MR. WALTERS: Second.
7 MR. HAWKE: The remainder of that segment,
8 as requested, will be zoned to the B-3 category.
9 MR. GONZALEZ: Mr. Hawke?
10 MR. HAWKE: Yes.
11 MR. GONZALEZ: Mr. Walters?
12 MR. WALTERS: Yes.
13 MR. GONZALEZ: Mr. Pizzino?
14 MR. PIZZINO: Yes.
15 MR. HAWKE: All right. Anything else come
16 before the Board?
17 MR. WALTERS: I move we adjourn.
18 MR. HAWKE: Second.
19 MR. GONZALEZ: All in favor.
20 MR. HAWKE: Aye.
21 MR. PIZZINO: Aye.
22 MR. WALTERS: Aye
23 -----
24 (Hearing concluded at 5:43)
25 -----

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1 CERTIFICATE
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 Hearing 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 proceedings.

12 I do certify that this Hearing 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 any 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 Louisville, Ohio on
19 this 11th day of October, 2017.

20

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

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