

**ZONING COMMISSION, 2016**

**July 14, 2016**

**Public Hearing – 7:00 P.M**

**Approved:09/08/16**

- I. Chairman called the meeting to order and roll call was taken.  
Members present: Chairman Richard Bradner, Scott Meyer, Joy Kosiewicz, Maryellen Burnham, Jim Hower, and Tom Flynn. Emily Hete was excused.
- II. Chairman administered the oath to persons wishing to speak at the hearing.
- III. Certification of the June 30, 2016 public notice was made and read into the record.
- IV. Zoning Inspector presented that the Summit County Planning Commission has yet to hold its Public Hearing regarding this matter. Their public hearing is scheduled next Thursday, July 21 at 3:00 p.m. so we do not have their recommendation at this point. Mr. Funk provided an overview of Mr. Zumpano's application for the rezoning. Mr. Zumpano is requesting a rezoning of the parcels from R-2 to R-4. The addresses include 839, 823, 807 and 789 North Revere Road, with 807 N. Revere residing in the City of Akron.

The total proposed subdivision is 12.614 acres with 11.104 acres being in Bath Township. The property is located on the east side of N. Revere Road. To the north is single family residential, to the east is the Bath Crest subdivision in Akron, to the south is the Ohio Edison easement and Bath Hill Park and to the west is the Hertford Shire subdivision in Akron. The site currently has three existing homes on the four properties, is relatively flat and has no environmental restrictions on the parcels. Mr. Zumpano is proposing a major subdivision for the site that will consist of 17 lots. The three existing homes along N. Revere Road will remain and the applicant will construct two new roads with the entrance located across from the Hertford Shire subdivision (Paddock Drive). The applicant requires a rezoning for the parcels within Bath Township for the existing R-2 Residential District to R-4 single family residential. Zoning Inspector provided an overview of an R-2 and R-4 District and explained what the differences in the permitted uses are. Mr. Funk then informed the Commission that Mr. Zumpano has received a variance for a reduction in the front yard setbacks for the proposed lots and a variance for the front yard setback for the existing home at 839 N. Revere Road. These variances are conditioned upon the approval of the rezoning for the parcels in Bath Township. The applicant also appeared before the Appearance Review Commission and has received preliminary site plan and sign approval.

- V. Mr. Zumpano presented to the Commission his proposal for the Reserve at North Revere Road. He thanked everyone for attending the meeting and for walking the site back in May. The applicant stated four key reasons why this proposal deserves approval: 1.) this will create a community in an area where there are no environmental concerns; 2.) it meets the needs of the residents of the community; 3.) it meets the guidelines of the 2011 Comprehensive Plan; and 4.) it creates revenue for the Township and the Revere School District. Mr. Zumpano described the project for those who were not in the previous meetings and used his exhibits on screen to show how the property would be developed. Schematics were presented showing house layouts he has

tested. He informed the Commission there will be curbs, gutters, sidewalks and street lights and that all restrictions will be followed. Mr. Zumpano stated that the minimum size will be 2,400 feet, all natural materials would be required, engineering layout proposes 1.3 homes per acre and the sanitary sewer is available through Summit County and the flow has been verified. He is asking for approval on this specific plan so in effect you know what you are getting. It is Mr. Zumpano's intent is to follow through with this specific proposal.

Mr. Zumpano presented further information regarding his four key reasons for the proposed development.

1. Environmental – the existing Bath tree canopy is all second growth on the site. The trees can be saved; there are no steep slopes, no flood plains or riparian corridors. The property sits at a high point with about 7.8 acres of unrestricted water that flows naturally to the Yellow Creek Watershed and about 4.7 acres flows southward to the Sand Run Water Shed. Applicant stated there is some problematic runoff to the north but the water retention pond will eliminate some problems. Mr. Zumpano attested that they will create swales and direct water into the retention pond; as a result (per the calculations) the pond will take 4.7 acres worth of water and only 1.9 acres would flow into the Yellow Creek Watershed; significantly reducing the amount of flow into that watershed. The Sand Run runoff will be reduced to 1.88 acres of water. With this benefit and the tree requirement for the new owners there is short term and long term solution regarding the increase of water captured and the reduction of erosion.

2. Bath Comprehensive Plan – the plan was provided on screen showing an area in orange that is deemed to be appropriate for traditional neighborhood use, smaller lots with sewer and water. It was shown were there are existing R-4 sections in the surrounding area. The density matches the area. Applicant believes this 17 home development proposal meets the intention of the Comprehensive Plan.

3. Community needs – Mr. Zumpano has been building in the community for 20 years and has heard requests from residents for a place to build a smaller home. These people built 4,000 square foot, two story homes years ago and now today they would like something smaller. The size of the proposed homes is at 2,400 square feet as an answer to that need seen in recent years. In addition, Mr. Zumpano commissioned a study which also confirms that people are looking for this housing and he can forward a copy of this study to Bill Funk. The street scape of North Revere will remain unchanged and this property is adjacent to Bath Park.

4. Creates revenue – applicant stated, on 16 homes at an average of \$575,000, the tax revenue to Bath Township would be about \$36,000.00 and Revere School District would receive about \$105,000.00 in revenue. The City of Akron would receive a small portion about \$9,000.00.

Applicant presented that they will prepare an easement for their property to access Bath Park via a walkway to the park and is in the process of asking Ohio Edison to allow crossing their property as well. Mr. Zumpano displayed potential home designs and the proposed entryway.

Citizens Comments:

Proponents: Christina Wilfong, 807 N. Revere Road stated: "I am in the property that is in Akron, not Bath. I'm in support of it obviously for the same reasons Fred had said. I think it would be a good addition to the community. I'm excited about the proposal to have access to the park where I don't have to walk on the main road with my two year old daughter on the

road. I'll have some back street access and areas where we go for walks and ride bikes, so I am excited about it."

Opponents: Norma Setteur, 2551 N. Revere Drive stated: "I am happy to hear this is going to have swales and a retention pond. But I am against having any more homes built in the area. Therefore, I would just like to have it left at the first zoning, the R-2. There's been so many problems with water and runoff in the area and when you have more homes with the roofs and the cement drives you have more problems with the water running off instead of staying where it should be between homes. And that's what I'm against; it's keeping the water there on the property."

Mr. Chairman swore in Brenda McShaffrey who arrived late and wished to speak.

Brenda McShaffrey, 3350 Yellow Creek Road stated: "I don't have a zoning background, but I have been a resident of Bath for about 15 years now and I personally am against it for a number of environmental and culture and charm reasons. I just feel like Bath is not like Bath was when I first moved here. I feel like we need to make our priorities about erosion, beauty, water quality. You know the more houses the more runoff we have the more other problems we have with water once again. We had a death a couple years ago because of runoff and too much water and I just feel like we don't need any more homes; we to think more about aesthetics and the environment. And like I said I feel like Bath is becoming more like Hudson and Copley and I don't like that. That's all I have to say."

Edwina Kearney, 2531 Revere Drive stated: "As you aware that is close to the subdivision that is possibly going in. I've lived in Bath probably since I was five years old. My parents have lived here since I was five; they're deceased, I moved into their home. When you would drive from West Market to Revere Drive you would probably see four houses. The barns, the fields, the cows and along Revere Road, is there anything there left of the beauty that Bath was once? I had water issues at my house; I've lost ten to twelve trees from water. I just don't want to see the ruralness of Bath gone and that's what's happening on Revere Road. I don't want this subdivision to go in; I'm very disturbed about it. Bath is concerned about the roads and the deterioration of them and what's going to when we get 17 more houses with two cars per house? I appreciate your concern about wanting to do this but for people who that have lived here for years and years they don't want to see it. And unfortunately, I wish more people were here, but the birds are gone, the trees will be gone with the new subdivision. The heat, because the trees are gone, and the asphalt for new streets is going to affect everyone and I just think it's a sad day when Revere Road looks the way it does with all the subdivisions now. And he's saying it's a very dense area, do we want more homes? I for one do not. Thank you."

Naomi D'Agostino, 2521 Revere Drive stated: "It's really coincidental that all of us Revere Drive neighbors are here; wasn't really planned that way was it? I'm a fairly new resident to the Bath area. My husband and I moved here about three and a half years ago and you know we're so delighted to be a part of this community and I'm not one to say that progress isn't good. I agree that there are parts of Bath that have been developed with subdivisions that have accommodated people who are wanting to stay in the community but don't want to have the responsibility of the large pieces of property anymore. And those are apparent over by Crystal Lake and by where Medina Road, Route 18 and Crystal Lake Road meet over there. It's a different place over there; it's not where I live. Certainly when you drive into the community

and you go north of Sourek and anything going north of Sourek, I think that in addition to some of the concerns that I have aesthetically and environmentally and we are very very concerned personally with our property and how we maintain it, going after native plants and making sure we don't use any chemicals and we take a lot of pride in treating Yellow Creek which is right behind us as we feel a tremendous sense of responsibility but in addition to those concerns, my biggest concern is if we rezone from R-2 to R-4 in that area I'm really concerned about that parcel at Sourek and Revere Road. Because that parcel that is just north of Sourek, that nature has taken over, I just wonder if we go ahead and make this exception here and it is really congestion south of Smith Road there's no doubt, but I guess that was something just put in a long time ago, but if we do this there what happens and how do we decide or how do we tell a developer that wants to develop that property at Sourek and Revere Road that they can't have the same variance that we're looking at here? So big concern, I appreciate your looking at the aesthetics, you're absolutely right there is a need for that and I know that I live there so I have my stamp on the land and I don't have to ya know, that's a big concern."

Mr. Zumpano responded to Mrs. D'Agostino's statement about the corner of Revere and Sourek stating he agreed about that corner. Mr. Zumpano said the lot was clear cut about 15 years ago. For a developer to bring water and sewer to that lot there are many hurdles that have to be overcome; including going to the Sewer and Water Board; it is all downhill and would require a pump station and is not economically feasible. He believes only a couple homes would be able to go in there and a development would not be appropriate.

In response to the ruralness, Mr. Zumpano explained there is an existing house that they are retaining; saying it would be more profitable to remove it and get three more lots, but the idea of having that same street scape there is appealing to him and then the idea of the very first house actually sitting back 400 feet allows beautiful green yards to be seen along Revere Road. He planned that intentionally. Mr. Zumpano reiterated the erosion from Yellow Creek has been seen, he has been in the community his entire life. Bath has always been the most beautiful part of our county. He repeated that they are taking 7.8 acres of water that just flows down towards yellow creek and they are capturing it so only 1.9 acres or 25% of the water that's flowing now into yellow creek will end up flowing into it afterwards; a significant reduction. Mr. Zumpano pointed out that Norma's house is a newer home and not a century home so over the years there's a lot of newer homes that have added a lot to the community; so if you say no to this there is still 16 people that want a new home and they're going to be in search of a farm field of somewhere to put that new home and that is what is happening to Bath. So we don't build that many houses in the Township from year to year. This will absorb some of that need and do so in an area that the Comprehensive Plan calls for.

Brenda McShaffrey, 3350 Yellow Creek stated: "I am not a technical person, but I know from talking to people, I too have planted 10 new native trees, 40 new native plants just this spring because I'm trying to practice what I preach. I'm trying to bring back the birds and everything but I forgot to say is that when developments are put in they compact the soil much more and they don't take in the water like a deep native plant does. In fact I've been told by experts that grass is almost equal to asphalt. So when you build houses not only the houses and the driveways – they're just adding to the water and what triggered me two years ago, after the May

12, 2014 flood, was an expert told me (I think it was the gentleman who knows about water shed conservancies down in Dayton) that these floods and this erosion is only going to happen more

frequently and more often. And I'll never forget that because that's what triggered me the last two years to do all the research I've done. And I just really don't want to see Bath changing the zonings; I feel like January, the trustees voted not to allow it and I'd like them to continue to not allow it because we're just not what Bath used to be and that's why a lot of people moved here."

Naomi D'Agostino, 2521 Revere Road stated: "I'm interested in these retention ponds because I think all developments should have retention ponds, that's a big mistake that we made for so many years in developing all these suburbs in the whole country. But from what you are describing you're preventing a lot of this runoff from going into the watershed, is that water currently going into the watershed at that rate or is that what will be created when the development goes in and now we have the extra streets and the extra area that can't absorb the water? Mr. Zumpano repeated they have 12 ½ acres and are at a high point, so the water just flows off. The streets will have curbs that will direct the water into the retention pond. The houses will have gutters and downspouts that'll also get directed out to the curbs and into the retention pond designed to hold the water and allow excess water to evaporate. The plan is to create something beautiful here not just dry grass; it will be designed to hold water. To repeat, right now there is 7.88 acres flowing into Yellow Creek and they will help stop that flow. Mr. Z added that there is not a lot of older growth; it is second growth with brush, that would be lost but we gain a 75% reduction in the water runoff.

Mr. Bob Konstand, Township legal counsel, asked for clarification on the impact of the water on the hard surfaces, streets and driveways as to what will happen with that water so the Zoning Commission has that specific information. Mr. Zumpano reiterated that all of that water is captured, channeled and directed via piping to the retention ponds.

Mr. Konstand presented that basically drains off the street and the downspouts from the houses will go to the street so the street is going to collect all the water at the hard surface, and taken in to the retention ponds. The retention ponds are going to keep the water from going into Yellow Creek because, as explained, it will evaporate.

Mr. Zumpano replied to the comment that "nobody is for this in Bath" stating they did go out and talk to neighbors (in Bath and Akron), knocked on doors, held meetings, printed booklets and met people on the site. And that is how he found out about the runoff in the back and is able to help them and correct it.

Discussion on the type of asphalt was had and Mr. Konstand noted that Summit County has certain requirements for roads that will have to be followed.

Edwina Kearney, 2531 Revere Drive asked additional questions: "When you said you're going to have the runoff on the street, who's responsible for the street when the asphalt or concrete erodes from the water? Mr. Konstand stated the Township would be responsible, there's a two year bond that Mr. Zumpano puts up and thereafter it becomes the obligation of the Township. Mrs. Kearney asked everyone how they all felt about that. "I'm not happy, going to raise my taxes to fix run off on a street. And the 22 trees he's talking about having put in, is that going to be a homeowner's responsibility; so you want them to put in 22 trees to replace the large old trees you have to cut down?"

Mr. Zumpano clarified there are certain tree species that will absorb more water than others. He did not know them off the top of his head. He is not talking about the existing trees in the tree

lines; it will be his charge to deliver the homes at a certain price point so he will be the one who pays for the trees. If you would come and look at the property you won't see those big old trees. Regarding who will pay for the maintenance of the trees it's like any other street in Bath it just goes in community funds; however, we are raising \$36,000.00 a year that goes into Bath Township's funding and I would imagine that would go on every year. If in 20 years, say the streets need repaired or replaced, they would have taken in \$720,000.00 in revenue over that period and the cost of repaving a street is nowhere near.

Mrs. Kearney stated: "Possibly, sir, you are missing the point of why we are all here. Is the rural part of Revere Road and it is so congested now with Yellow Creek closed. I've got all this traffic coming up and down. So, when that's gone I'm going to have all the new traffic. I have a problem with the traffic and the fact that that beautiful field will be gone, and you said it was very dense over here, it is dense. There has got to be other places somewhere else you could put your subdivision. It's just, I just think it's too dense along that corridor from Market to Yellow Creek; it is just – I get on that road all the time and there's 10, 15 cars ahead of me. I remember the days when I was the only one all the way up to Market Street."

Mr. Chairman closed the public hearing and asked Mr. Funk to advise the Commission on the continuance of the case. Mr. Funk stated that since they do not have the Summit County Planning Commission's recommendations at this point, this case should be tabled. He referenced an outline that was provided to the members and asked to table this to the August 11, 2016 meeting, giving the Applicant time to appear in front of the Planning Commission as well as time for the Planning Commission to get back their recommendations to us.

Motion to table the case by Mr. Meyers; seconded by Mrs. Burnham. All in favor; motioned carried.

**Next meeting to be: Resume Rezoning Public Hearing: Thursday, July 14, 2016 at 7:00 P.M.,  
Trustee Meeting Room.**