

Village of Lordstown Planning Commission

June 8, 2020

(WHEREAS, THE LORDSTOWN VILLAGE PLANNING COMMISSION MET ON MONDAY, JUNE 8TH, 2020, AT 6:30 P.M., VIA ZOOM CONFERENCE TECHNOLOGY, DUE TO COVID-19 SOCIAL DISTANCING MANDATES. TEN (10) PEOPLE WERE PERMITTED IN THE VILLAGE ADMINISTRATION MEETING ROOM, WITH SOCIAL DISTANCING MANDATES FOLLOWED. DIAL-IN INSTRUCTIONS WERE GIVEN TO WITNESSES WHO WANTED TO CALL IN AND ASK QUESTIONS OR SPEAK IN REGARD TO THE SITE PLAN REVIEW FOR FEAR FOREST, INC., AND PROCEEDINGS WERE AS FOLLOWS:)

The Lordstown Planning Commission met on June 8, 2020 at 6:30 p.m. at the Lordstown Administration Building. The meeting was called to order by Chairperson Tim Rech, followed by the Pledge of Allegiance to the Flag. Roll call was taken.

In Attendance:           Tim Rech, Chairperson  
                                  Richard Rook, Vice Chairperson  
                                  Arno Hill, Mayor  
                                  Don Reider, Council Member  
                                  Bob Schaffer

                                  Paul Dutton, Solicitor (Via Zoom Conference)  
                                  Kellie Bordner, Planning and Zoning Administrator

Also Present:            Brent Milhoan, Chief of Police (Via Zoom Conference)  
                                  Jeff Smith, PE, PS, CPESC, CT Consultants  
                                  Alan Tura, Fear Forest, Inc.  
                                  Juliana Currier-Queen, Fear Forest, Inc.  
                                  Joseph M. Gonda, P.E., Buckeye Civil Design, LLC  
                                  Tom Bowser, P.E., Buckeye Civil Design, LLC

**APPROVAL OF AGENDA:**

**MR. RECH:** Is there a motion to approve the agenda for this evening?

**MR. REIDER:** So moved.

**MR. RECH:** Mr. Reider -- is there a second?

**MR. SHAFFER:** I'll second.

**MR. RECH:** Mr. Shaffer -- all in favor, "aye".

**MR. ROOK:** Aye.

**MR. SHAFFER:** Aye.

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**APPROVAL OF MINUTES of May 18, 2020:**

**MR. RECH:** All right, that's approved. We have, before you, the minutes of the May 18th meeting that were e-mailed earlier in the week -- plus you received a hard copy this evening. So a motion to approve those minutes?

**MR. ROOK:** Motion to approve.

**MR. RECH:** All right, Mr. Rook -- is there a second?

**MAYOR HILL:** Second.

**MR. RECH:** Mr. Mayor, second -- any additions or corrections?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

June 8, 2020

**MR. RECH:** Hearing none, all in favor of approving the minutes say "aye".

**MR. ROOK:** Aye.

**MR. SHAFFER:** Aye.

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye -- anybody opposed?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**PLANNING AND ZONING ADMINISTRATOR'S REPORT:**

**MR. RECH:** Okay, that passes. Is there a Planning and Zoning Administrator's Report this evening?

**MS. BORDNER:** No report, sir.

**SOLICITOR'S REPORT:**

**MR. RECH:** No Solicitor's Report --

**CORRESPONDENCE:**

**MR. RECH:** Any Correspondence?

**MS. BORDNER:** No, sir.

**OLD BUSINESS:**

**MR. RECH:** All right -- any Old Business?

**MS. BORDNER:** No, sir.

**NEW BUSINESS: Site Plan Review for Alan Tura, dba Fear Forest, 6878 Tod Avenue.**

The Planning Commission followed this form that follows Section 1115.02 of The Planning & Zoning Code:

The Village of Lordstown Site Plan Review

NAME: Alan Tura, dba Fear Forest, Inc.

ADDRESS: 6878 Tod Avenue, SW, Warren, Ohio 44481

1. **Total area in the development:** 68.8 acres
2. **Existing Zoning of the property:** B-1      **Property to the North:** B-1/R-1  
**Property to the South:** R-1/I-1      **Property to the East:** B-1/R-1  
**Property to the West:** R-1
3. **Public and private right-of-way and easement lines located on or adjacent to the property:** Applicant offers that there is a variable right-of-way along Tod Avenue
4. **Existing topography:** In general, the site slopes from southeast to northwest at an approximate 2.0% slope.
5. **Proposed finished grade of the development:** The finished grade of the site will closely mimic what is presently at the site with an overall site slope of approximately 2.0%.
6. **Location of existing buildings:** There is one (1) existing building located on the northeast side of the property which is approx. 52'W x 140'L x 18'H and has a canopy of 24'W x 40'L x 18'H on the southwest corner of the building. There are also two (2) 24'W x 24'L x 16'H open pavilions and one (1) 18.5'W x 40'L x 16' pole barn, which are all located along the hayride route.  
**Location of proposed building:** The proposed building will be located on the southeast side of the property. It will be 4,608 SF enclosed with 2 canopies (or lean-tos) on the back, west side, of the building. The dimensions of the building will be 48'W x 96'L with a maximum height of 23'. Square footage including the 2 canopies will be a total of 5,747 SF.  
**Uses of existing buildings:** Haunted house attraction (used for storage of equipment in off season) and 2 open pavilions and a pole barn which are used in scenes along the hayride route.

June 8, 2020

**Uses of proposed buildings:** Staging area, ticket sales for various attractions during the months of September and October.

**Total number of buildings:** 4 existing, 1 proposed

**Dimensions:** As already stated for 4 existing and 1 proposed

**Heights:** As already stated for 4 existing and 1 proposed

**Gross floor area:** The gross floor area for the proposed building is 4,608 SF and the gross floor area of the existing structures are: haunted house – 7,280 SF, the 2 pavilions on the hayride route – 576 SF and the pole barn on the hayride route – 740 SF.

**Number of stories:** All existing and proposed buildings are one-story.

**7. Location and dimension of:**

**Curb cuts:** There will be one curb cut on Tod Avenue, 24' wide with the center line located approximately 72' south of the intersection of the northern property line and the right-of-way line.

**Driving lanes:** The curb cut will be divided into 2-way 12' drive lanes.

**Off-street parking:** The site will have 143 (10' x 20') patron parking stalls, 6 ADA compliant parking stalls (being 8' x 20' with a 5' access isle), 2 ADA van compliant parking stalls (being 11' x 20' with a 5' access isle), and 70 (10' x 20') employee parking stalls, for a total of 213 parking spaces, which will be clearly marked and lined. Applicant states that there is enough space to add an additional 58 (10' x 20') parking spaces on the south side of the parking lot in the future if attendance during the season warrants additional parking. Applicant has been made aware that any future parking lot expansion would require site plan approval before the Lordstown Planning Commission. Applicant will also be requesting a waiver from parking space requirements.

**Loading areas:** Applicant states that there will be no loading areas associated with this project as the novelties to be sold will not be in such quantity as to need a loading/unloading area.

**Angles of stalls:** All parking stalls are at 90-degree angles.

**Grades:** The paved areas will have grades from 2-5% and the rest of the site will be graded approximately the same as it currently sits.

**Surfacing materials:** The surface of the parking lot and driveway will be light duty asphalt and there will be concrete sidewalks around the building.

**Drainage plans:** Stormwater will sheet flow to catch basins in the parking lot and will be conveyed to a detention pond located northwest of the proposed building. The stormwater management plan was developed according to Trumbull County's Drainage, Erosion and Sedimentation Control Manual and Ohio EPA requirements for stormwater management.

**Illumination of facilities:** The building will have LED wall packs on each side and LED lights under the canopies at the ticket windows. LED lighting will be provided in the parking lot. Applicant further reports that any headlights from incoming traffic should have no effect on neighboring properties. Specifically, Applicant states that adjacent property owner, Larry Tura's property line is approximately 640' from the nearest edge of the parking lot. There is an earthen berm located behind Dollar General and Applicant will place earthen berms along the common property line between his property and Larry Tura's property. Applicant further offers that adjacent property owner, Bruce Ballentine's property is significantly higher than the grade of the proposed parking lot, anywhere between 4' to 7' higher in various areas. Applicant will place a shrubbery hedge row 5' off the common south property line with the hedge being 6' on center. This will provide additional protection from any glare of headlights onto the Ballentine property. At the western end of the Ballentine property Applicant will construct an earthen berm with a shrubbery hedge planted on top of the 4' high berm. This will likewise eliminate any glare from the parking lot onto the Ballentine property.

**8. Sidewalks and other open areas:** Sidewalks are proposed along the north and east sides of the proposed building. The rest of the 68-acre parcel will be open area except for the existing buildings.

**9. Location of all walls, fences, and buffers:** The proposed site will have landscaped earthen berms located along the western side of the southern property line, adjacent to the residential property, and along the northern property line adjacent to the residential property. The dense woods will protect the residential property to the west, and the R-1 property to the north. A landscaped shrubbery hedge row will line the

June 8, 2020

southern property line adjacent to the residential home. Applicant will request a waiver of the code requirement that trees be planted in the parking lot area and instead account for the trees along the northern property line abutting the Dollar General property and between the right of way and parking lot to the east. In places where an earthen berm or masonry wall are not located, there is a significant amount of dense woods which will act like a barrier. Along the Ballentine northern property line, Applicant will place a shrubbery hedge row, with the hedge being spaced 6' on center and further states that the reason for not showing an earthen berm along part of the property is because the Ballentine property drains onto his property and therefore, putting an earthen berm along such side of the property could dam up the water and create ponding back onto Ballentine's property. Applicant will also place a 10' wide landscape berm along the Tod Ave. frontage.

**10. Location, size, height and orientation of all signs:** Applicant is planning on installing a sign on the south side of the driveway entrance, a name identification wall sign on the front of the building, and four (4) 18" x 24" ticket pricing wall signs on the building above the ticket windows. Applicant is aware that he needs to make application for and obtain zoning permits for these signs prior to installation.

**11. Location of all existing and proposed streets and highways:** State Route 45 (Tod Avenue) borders the eastern property line.

**12. All existing and proposed water and sanitary sewer lines indicating pipe sizes, types and grades:** A proposed 6" ductile iron water line will connect to the existing 6" ductile iron waterline that is currently located on Applicant's property, near the northern property line. The existing tee will be utilized, and the fire hydrant will be relocated. A 6" ductile iron waterline will connect to the tee and 40 lineal feet of 6" ductile iron pipe will be installed. A hotbox with dual backflow preventers and a 6" water meter will be installed at the end of the 40' of waterline. A 6" ductile iron waterline will come out of the hotbox, and continue for approximately 170 lineal feet, where the existing fire hydrant will be relocated. A 6"x6"x2" tee will be installed on the south side of the fire hydrant. A 2" PVC waterline with tracer wire will be installed to the new building.

A 6" sanitary lateral is being proposed and will flow to a pump station located north of the proposed building. The pump station will discharge via a 1.5" PVC force main and will connect to the sanitary sewer along the east side of Tod Avenue.

**13. The schedule of phasing of the project:** This project will begin construction pending all required approvals and permits and will take place in a single phase, with the hopes of being completed by August of 2020.

**14. All existing and proposed front setbacks:** B-1 zoning requires a minimum of 100' from road right-of-way. Front setbacks for the 4 existing structures and the proposed building are as follows:

Haunted House – 331'	Pavilion 1 – 1,041'
Pavilion 2 – 1,724'	Pole Barn – 1,839'
Proposed Building – 321'	

**Rear setbacks:** B-1 zoning requires a minimum of 75' from the rear property line.

Rear setbacks for the 4 existing structures and the proposed building are as follows:

Haunted House – 2,318'	Pavilion 1 – 1,455'
Pavilion 2 – 1,217'	Pole Barn – 655'
Proposed Building – 2,581'	

**And side yard setbacks:** B-1 zoning requires a minimum of 50' from the side property lines. Side yard setbacks for the 4 existing structures and the proposed building are as follows:

Haunted House – 55' (N), 838' (S)	Pavilion 1 – 701' (N), 495' (S)
Pavilion 2 – 797' (N), 381' (S)	Pole Barn – 218' (N), 834' (S)
Proposed Building – 89' (N), 269' (S)	

**15. Other information required by the Planning Commission:**

Fear Forest is a seasonal attraction that is open in September at least through the end of October on Fridays, Saturdays, and Sundays, comprising a season of approximately 15-24 days. The attractions offered by Fear Forest are a one-mile haunted hayride, an indoor haunted house, an outdoor haunted walking trail and an outdoor corn maze. The ticket office is open on Fridays and Saturdays from 7 pm to 11:30 pm and on Sundays from 7 pm to 9:30 pm, selling between 150 and 1600 tickets per night depending upon weather conditions, day of the weekend and whether it is peak season in mid-October. The average number of ticket sales is

June 8, 2020

approximately 200 to 600 per night, but for 2 to 4 days within a given season, the ticket sales can reach 1,600 over the course of an evening. About 1/3 of ticket sales are hayride only tickets, while the remainder are combo tickets allowing patrons to enjoy multiple attractions through various combinations.

The proposed new building would have an outdoor queuing line to the ticket box office and an indoor queue and outdoor queue line for hayride loading. It would have a maximum occupancy of 275 people. Applicant will conform to current local, county and state building and fire codes. A patron can wait an average of 30 minutes to 1 hour before boarding the hayride. Each hay wagon is capable of seating 28 people, with a total of 8 wagons running per hour as of last season. The hayride takes an average of 30 minutes to complete.

Then patrons who purchased a combo ticket to another attraction will be dropped at the entrance to the haunted house. They can wait an average of 10 to 30 minutes before entering. This attraction takes approximately 20 minutes to complete. The maximum occupancy for the haunted house building is 480 people and it has a sprinkler system and meets all fire code requirements. The outdoor walking trail and corn maze have an average wait time of 10 to 20 minutes and take approximately 15 minutes to complete with anywhere between 30 to 100 people being in either attraction at a given time.

The maximum occupancy in each attraction generally occurs on only 2 to 4 days per season. The remainder of the season has far less tickets sold with sometimes only 200 tickets sold for the entire evening. The wait times for each attraction may be longer for a few days out of the entire season but the speed of completion for each attraction is increased during the busy days to allow patrons to come and go more often, allowing a faster turnover of parking spots.

Parking spots and traffic will be monitored nightly by posted parking attendants. They will determine when the parking lot is full and if there are no available parking spots, patrons will be turned away. On Friday and Saturday nights, Lordstown police officials, have and will continue to, serve as extra security to patrol the property and parking lots and will be asked to assist in keeping patrons from parking on Tod Avenue or walking down Tod Avenue. Applicant has also been made aware that patron or employee parking on adjacent or nearby properties and/or in grass areas, is prohibited per Lordstown Codified Ordinances.

Fear Forest only has 2 employees, Alan Tura and Juliana Currier-Queen. The remainder of all positions are filled by hiring seasonal workers that are subcontract laborers. The season generally begins with 100 laborers and Fear Forest can have an average of 70 to 90 subcontract laborers on site per night. Employee parking is based upon prior years' experience of carpooling or drop-offs by laborers and not having more than 40 laborer vehicles per night.

Applicant provided a floor plan that identifies several rooms including: costume room, makeup room, storage, showers, laundry, employee restroom, patron restrooms – men and women, a novelty sales area, ticket office, general office and queuing, along with 2 outdoor lean-to / canopied areas.

Applicant will remove the existing ticket booth, metal arbor and the large tent with a canopy used for a queuing area currently located on the Dairy Queen property immediately upon site plan approval by Planning Commission.

In the future, Applicant hopes to be back to Planning Commission for the expansion of the parking lot and the creation of a concession building to likely be located in the southwest area behind the current proposed building.

- 16. Prior approval of water mains and appurtenances by the BPA:** Applicant submitted a water PPE form. The water/sewer requests are before the Board of Public Affairs/Lordstown Water Department for approvals. On May 19, 2020, the BPA passed a resolution authorizing the Fear Forest project to access water from the Village's water distribution system. The BPA also tabled a second resolution regarding the sanitary sewer approval for some minor language changes until the next meeting.

**MR. RECH:** All right, New Business -- Site Plan Review for Alan Tura, dba Fear Forest, Incorporated, 6878 Tod Avenue, Lordstown, Ohio.

**MS. BORDNER:** So if you could indulge me just for a minute, Mr. Chairman, I'm going to give you a little background on this project before we get to the Site Plan Review form.

Village of Lordstown Planning Commission

June 8, 2020

Alan Tura, originally, started running the haunted hayride for Fear Forest in 2004; however, he did not come for a Site Plan approval before Planning Commission at that time.

In 2009, his brother, Larry Tura -- and also, who is an adjacent property owner -- sought an agricultural exemption with the Lordstown Village Planning and Zoning Office, to build a horse barn, which would be used to house horses of course. So once the building was constructed, one horse passed away, and the other one was sold. So there was no need for use of that building as a horse barn.

Additionally, at that time, Alan Tura purchased a substantial amount of land off of his brother, Larry, which included that new building in that land purchase.

In 2010, Alan Tura, on behalf of Fear Forest, began to operate a haunted house out of that building in addition to the existing haunted hayride. From there, Fear Forest expanded to include a haunted corn maze and a haunted walking trail. Mr. Tura did not come to Planning Commission for Site Plan approval on any of the expansions.

Fear Forest has, thus far, been staged over three (3) parcels which -- that which is owned by Alan Tura, that which is owned by David Gwara. He operates the Lordstown Dairy Queen -- and that which is owned by Larry Tura.

So what's been happening is that parking for patrons has been at the Lordstown Dairy Queen, which Police Chief, Brent Milhoan, has counted as having approximately 113 marked and unmarked stalls, along with the use of a grassed area -- the parcel that was between the Dairy Queen and the old grocery store, which Chief Milhoan estimated may hold another 50 cars if that area is dry; and employees of Fear Forest would utilize the rear parking lot of the old Dewey Candy Company, which is now property owned by Martin Milner.

Fear Forest now wishes to expand to construct a 5,747 square foot building and surrounding parking lot so that they may restructure their manner of doing business and have it all contained on their own parcel.

Fear Forest has already sought and received a zone change through Planning Commission to make the entirety of their parcel B-1 to eliminate the current mixed zoned parcel. It was R-1 and B-1, and they want to do it all B-1 so that they can run this business, and that is still pending final vote before Council.

The Planning and Zoning Office sought some guidance from Attorney Dutton, who advised that in situations in which the Village finds itself in a position where businesses that are located here have not properly sought Site Plan Review, their business operation would be considered a non-conforming use; and at such time as they would want to come back and do additional development or building or expand anything within their business -- or on that particular parcel that they're on -- then when that might be desired, then the business would be required to come back to Planning Commission, provide information on the entire use that had not previously been reviewed -- and include any use or area which was not before us before and so that everything can be fully reviewed and accomplished now. Therefore, the business must come into compliance with the current Planning and Zoning requirements of the Village of Lordstown. With this presentation, Fear Forest is attempting to do just that as advised by Attorney Dutton.

The only residential telephone call that the Planning and Zoning Office has received regarding this project was from Larry Tura, an adjacent property owner -- and he made the following inquiries about the development:

One, he was concerned about the landscaping buffer and barrier at his common property line with Alan Tura, and whether or not the forested area is considered enough of a natural barrier.

And secondly, he had some questions with regards to the water and sewer connection.

And thirdly, he had some questions with regards to the parking situation and whether there's adequate parking.

June 8, 2020

We can get into the other top two (2) things as they come along -- because I think that they will probably be answered, and they can be discussed in due turn; but I did just want to touch on, briefly, and address the parking requirement for Fear Forest just for a minute because this is a very unique business -- very unique nature of this business. So it's difficult for us to determine exactly how many parking spaces would be required, pursuant to our normal Code, which would be 1163.06. It just doesn't fit neatly into any particular category.

So in reviewing that section, it appears at a minimum, most businesses would require one (1) space per employee or they would calculate it by gross floor area if employees are working within a facility; but in this case, the employees work outside. That's their workplace -- is outdoors.

So if we were going to try to calculate spaces per patron, we could consider things like the number of tickets sold, how long it takes to get through the attraction as a whole -- but this type of attraction, generally, attracts people in groups. So, we would give them the benefit of the doubt and say four (4) people would come together in a vehicle.

The Applicant is going to be requesting three (3) waivers for the parking related to these concerns. So I just wanted you to kind of keep those things in mind as we go through the Site Plan form, and as we review the waivers that have been requested.

So getting to the Site Plan form, this is for Mr. Alan Tura, doing business as Fear Forest, located at 6878 Tod Avenue, here in the Village.

This is a 68.8-acre development.

The existing zoning of the property is B-1. To the south, there is R-1 and I-1 property. To the west, it's R-1. To the north, it is also B-1 and R-1. To the east, it is B-1 and R-1.

There is a variable right-of-way along Tod Avenue.

There is, in general, slopes on the site from southeast to northwest at an approximately 2.0% slope.

The finished grade of the site will closely mimic what is presently at the site, with an overall site slope of approximately 2.0%.

There is one (1) existing building located on the northeast side of the property, which is approximately 52-feet wide, by 140-feet long, by 18-feet high (52'W x 140'L x 18'H); and it has a canopy of 24-feet wide, by 40-feet long, by 18-feet high (24'W x 40'L x 18'H) on the southwest corner of that building. There are also two (2) 24-foot wide, by 24-foot long, by 16-foot high (24'W x 24'L x 16'H) open pavilions; and one (1) 18.5-foot wide, by 40-foot long, by 16-foot high pole barn (18.5'W x 40'L x 16'H). All of these three (3) things are located along the hayride route; and the first building that we were talking about, being the 52-foot wide by 140-foot long (52'W x 140'L) is the haunted house.

The proposed building will be located on the southeast side of the property. It will be 4,608 square feet enclosed, with two (2) canopies or lean-tos on the back, west side of the building. The dimensions of the building will be 48-feet wide, by 96-feet long, with a max building height of 23 feet (48'W x 96'L x 23'H). The square footage, including the two (2) canopies would be a total of 5,747 square feet.

Currently there's a haunted house attraction, and that's used for storage of equipment in the off season; and there's two (2) open air pavilions and a pole barn, which are used in scenes along the hayride route.

In the proposed building, they want to have a staging area, ticket sales for various attractions during the months of September and October. There will be a little novelty area, and a queuing area, which is just people lining up to then go out to get onto the hayride.

The total number of buildings, then, would be four (4) existing -- and then this one (1), proposed.

Village of Lordstown Planning Commission

June 8, 2020

The gross floor area for the proposed building is 4,608 square feet, and the gross floor area of the existing structures are as follows:

The haunted house is 7,280 square feet. The two (2) pavilions on the hayride route are 576 square feet, and the pole barn on the hayride route is 740 square feet.

All the existing and proposed buildings are one (1) story.

There will be one (1) curb cut on Tod Avenue, 24' wide, with the center line located approximately 72' south of the intersection of the northern property line and the right-of-way line.

The curb cut will be divided into a two-way, 12' drive lanes.

The site will have 143 10' x 20' patron parking stalls, six (6) ADA-compliant parking stalls -- and those would be 8' x 20', with a 5' access aisle, two (2) ADA van compliant parking stalls. Those would be 11' x 20' with a 5' access aisle, and 70 10' x 20' employee parking stalls. That would be a total of 213 parking spaces, which will be clearly marked and lined.

The Applicant states that there is enough space to add an additional 58 10' x 20' parking spaces on the south side of the parking lot in the future if they find that attendance, during the season, warrants additional parking. Applicant has been made aware that any future parking lot expansion would also require them coming back to Site Plan and getting approval before the Lordstown Planning Commission. Applicant will also be requesting some waivers from the parking space requirements, the tree requirements -- and we'll talk about those in a few minutes.

The Applicant states that there will be no loading areas associated with this project, as the novelties which will be sold inside, will not be in such quantity that it would need a loading/unloading area.

Their parking stalls are going to be 90-degree angles.

The paved areas will have grades from 2-5%, and the rest of the site will be graded approximately the same as it currently sits.

The surface of the parking lot and the driveway will be light duty asphalt, and there will be concrete sidewalks around the building.

With regards to drainage plans, the stormwater will sheet flow to catch basins in the parking lot and will be conveyed to a detention pond located northwest of the proposed building. The stormwater management plan was developed according to Trumbull County's Drainage, Erosion and Sedimentation Control Manual and Ohio EPA requirements for stormwater management.

Regarding illumination at the facilities, the building will have LED wall packs on each side and LED lights under the canopies at the ticket windows. LED lighting will be provided in the parking lot. Applicant further reports that any headlights from incoming traffic should have no effect on neighboring properties.

The Applicant states that adjacent property owner, Larry Tura's property line, is approximately 640' from the nearest edge of the parking lot. There is an earthen barrier located behind Dollar General, and Applicant will place earthen berms along the common property line between his property and Larry Tura's property.

The Applicant further offers that the adjacent property owner, Bruce Ballentine -- his property is significantly higher than the grade of the proposed parking lot -- anywhere between 4' to 7' higher in various areas, and the Applicant will place a shrubbery hedge row 5' off the common south property line, with the hedge being 6' on center. This will provide additional protection from any glare of headlights onto the Ballentine property.

At the western end of the Ballentine property, Applicant will construct an earthen berm with a shrubbery hedge planted on top of the 4' high berm. This will, likewise, eliminate any glare from the parking lot onto the Ballentine property.



June 8, 2020

There are sidewalks proposed along the north and east sides of the proposed building. The rest of the 68-acre parcel will be open area except for the existing buildings.

The proposed site will have landscape earthen berms located along the western side of the southern property line, adjacent to the residential property, and along the northern property line, adjacent to the residential property. The dense woods will protect the residential property to the west and the R-1 property to the north. A landscaped shrubbery hedge row will line the southern property line adjacent to the residential home.

Applicant will request a waiver of the Code requirement that trees be planted in the parking lot area, and will instead account for those trees along the northern property line abutting the Dollar General property and between the right of way and the parking lot to the east. In places where an earthen berm or a masonry wall are not located, there is a significant amount of dense woods, which act like a barrier.

Along the Ballentine northern property line, Applicant will place a shrubbery hedge row with the hedge being spaced six foot (6') on center; and he further states that the reason for not showing an earthen berm along that part of the property is because the Ballentine property drains onto his property; and therefore, putting up an earthen berm along such side of the property, could dam up that water and create ponding back onto Ballentine's property, and he's attempting to avoid that. Applicant will also place a 10' wide landscape berm along Tod Avenue frontage.

Relative to signs, the Applicant is planning on installing a sign on the south side of the driveway entrance, a name identification wall sign on the front of the building, and four (4) 18" x 24" ticket pricing wall signs on the building above the ticket windows. The Applicant is aware that he needs to make application for and obtain zoning permits for these signs prior to installation.

This project exists on State Route 45 and that is bordered on the eastern property line.

Relative to the water and sanitary sewer lines, a proposed 6" ductile iron water line will connect to the existing 6" ductile iron water line that is currently located on Applicant's property near the northern property line. The existing tee will be utilized, and the fire hydrant will be relocated. A 6" ductile iron water line will connect to the tee, and 40 lineal feet of 6" ductile iron pipe will be installed. A hotbox, with dual backflow preventers and a 6" water meter will be installed at the end of the 40' of water line.

A 6" ductile iron water line will come out of the hot box and continue approximately 170 lineal feet where the existing fire hydrant will be relocated. A 6" x 6" x 2" tee will be installed on the south side of the fire hydrant, and a 2" PVC water line with tracer wire will be installed to the new building.

A 6" sanitary lateral is being proposed and will flow to a pump station located north of the proposed building. The pump station will discharge via a 1.5" PVC force main and will connect to the sanitary sewer along the east side of Tod Avenue.

This project will begin construction pending all required approvals and permits and will take place in a single phase with the hopes of being completed by August of 2020.

So now they're going to talk about the front setbacks and the existing setbacks -- and there's a lot of structures, so I'm going to try to run through them in bulk.

So B-1 zone requires a minimum of 100' from the road right-of-way in the frontage. So front setbacks for the existing structures and the proposed building are as follows:

The Haunted House is 331'.

Pavilion One (1) is 1,041'.

Pavilion Two (2) is 1,724'.

The Pole Barn is 1,839'.

Village of Lordstown Planning Commission

June 8, 2020

The Proposed Building is 321'.

So they're all met.

The rear setback: A B-1 zone requires a minimum of 75' from the rear property line. So the rear setbacks for the four (4) existing structures and the proposed building are as follows:

The Haunted House is 2,318'.

The first Pavilion (1) is 1,455'.

The Pavilion number two (2) is 1,217'.

The Pole Barn is 655'.

The Proposed Building is 2,581'.

Again, those are all met.

With regards to side yard setbacks, B-1 zone requires a minimum of 50' from the side property lines. The side yard setbacks for the four (4) existing structures and the proposed building are as follows:

The Haunted House is 55' on the north, 838' on the south.

Pavilion One (1) is 701' on the north, 495' on the south.

Pavilion Two (2) is 797' on the north, 381' on the south.

The Pole Barn is 218' on the north, 834' on the south.

The Proposed Building is 89' on the north, 269' on the south.

Again, they all meet the required setbacks.

Some additional information that Fear Forest has offered -- and it's kind of extensive -- is as follows:

This is a seasonal attraction. It's opened in September, at least through the end of October on Fridays, Saturdays and Sundays; and it comprises a season of, literally, just 15 to 24 days a year.

The attractions offered by Fear Forest are a one-mile haunted hayride and indoor haunted house, an outdoor haunted walking trail, and an outdoor corn maze.

The ticket office is open on Fridays and Saturdays, from 7:00 p.m. to 11:30 p.m.; and on Sundays, from 7:00 p.m. to 9:30 p.m. -- selling anywhere between 150 and 1600 tickets per night, depending upon weather conditions, the day of the weekend, whether it's peak season in mid-October, and then the average ticket sales would probably be right around 200 to 600 per night; but for those two (2) to four (4) days, within a given season, those ticket sales can reach 1,600 over the course of an evening.

About one third (1/3) of the ticket sales are hayride-only tickets, while the remainder are combo tickets, which allow patrons to enjoy multiple attractions throughout the various combinations.

The proposed new building would have an outdoor queuing line in addition to that indoor queuing line -- so that it would go from the ticket box office, and then you would get on the hayride -- and get on for loading onto the hayride.

It would have a maximum occupancy of 275 people. The Applicant will conform to current local, County and State Building and Fire Codes and has met with Chief Eastham, who is our Lordstown Fire Chief.

A patron can wait an average of 30 minutes to an hour before boarding the hayride. Each hayride is capable of seating 28 people, with a total of eight (8) wagons running per hour as of last season. The hayride takes an average of 30 minutes to complete.

Village of Lordstown Planning Commission

June 8, 2020

Then patrons who purchased a combo ticket to another attraction will be dropped at the entrance of the haunted house. They can wait an average of 10 to 30 minutes before entering. This attraction takes approximately 20 minutes to complete. The maximum occupancy for the haunted house building is 480 people, and it has a sprinkler system and meets all Fire Code requirements.

The outdoor walking trail and corn maze have an average wait time of 10 to 20 minutes and take approximately 15 minutes to complete with anywhere between 30 to 100 people being in either attraction at a given time.

The maximum occupancy in each attraction generally occurs on only two (2) to four (4) days per season. The remainder of the season has far less tickets sold, with sometimes only 200 tickets sold for the entire evening.

The wait times for each attraction may be longer for a few days out of the entire season, but the speed of completion for each attraction is increased during the busy days to allow patrons to come and go more often, thus allowing a faster turnover of parking spots.

The parking spots and traffic will be monitored nightly by their posted parking attendants. They will determine when the parking lot is full -- and if there are no available parking spots, patrons will be turned away.

On Friday and Saturday nights, Lordstown Police officials have -- and will continue to serve as extra security to patrol the property and parking lots and will be asked to assist in keeping patrons from parking on Tod Avenue or walking down Tod Avenue. Applicant has also been made aware that patron or employee parking on adjacent or nearby properties and/or in grass areas is prohibited per Lordstown Codified Ordinances.

Fear Forest only has two (2) employees -- Alan Tura and Juliana Currier-Queen. The remainder of all positions are filled by hiring seasonal workers that are subcontract laborers. The season generally begins with 100 laborers, and Fear Forest can have an average of 70 to 90 subcontract laborers on site per night. Employee parking is based on prior years' experience of carpooling or drop-offs by laborers, and not having more than 40 laborer vehicles per night.

Applicant provided a floor plan that identified several rooms. We already kind of talked about those being costume room, makeup room, storage, showers, laundry, employee restroom, patron restrooms -- men and women -- a novelty sales area, ticket office, general office and queuing, along with two (2) outdoor lean-to and canopied areas.

The Applicant will remove the existing ticket booth, metal arbor and large tent with a canopy used for a queuing area currently located on the Dairy Queen property immediately upon Site Plan approval by Planning Commission.

In the future, Applicant hopes to be back to Planning Commission for the expansion of the parking lot and the creation of a concession building to be likely located in the southwest area behind the current proposed building.

Just with regards to the water and sewer approvals -- the Applicant has, in fact, submitted a water PPE form. The water/sewer requests are before the Board of Public Affairs and the Lordstown Water Department for approvals. On May 19th, 2020, the BPA passed a resolution authorizing the Fear Forest project to access water from the Village's water distribution system. The BPA also tabled a second Resolution regarding the sanitary sewer approval for some minor language until the next meeting -- and I understand that their next meeting is June 16th, so I would anticipate that being addressed at that time.

That is the conclusion of the Site Plan Review form.

**MR. RECH:** Great.

**MS. BORDNER:** Mr. Smith has been involved with us for our Village Engineers, and he has reviewed everything. He provided a final write-up. He is here and can speak to his final memorandum; and then Mr. Alan Tura and Ms. Juliana Currier-Queen are also here and

Village of Lordstown Planning Commission

June 8, 2020

ready to answer any questions, and then I can also read the waivers when you are ready, sir?

**MAYOR HILL:** All right -- and the Solicitor is online.

**MS. BORDNER:** Great.

**MR. RECH:** All right, thank you -- Mr. Smith?

**MR. SMITH:** Yes, thank you. Thank you, Kellie, for reading all of that. We reviewed -- there were several plan submissions for this project. The latest submissions that were made were on May 29th, for the above project, and for which we responded by June 1st on our memorandum.

The drawings that were received and the exhibits are architectural drawings -- the New Fear Forest Building for Alan Tura, prepared by Phillips Sekanick Architects, and that was 18 sheets -- the Revised Fear Forest Site Improvement Plans, prepared by Buckeye Civil Design.

Some of the documents and reports that we received are the Storm Water Detention Plan for Fear Forest, prepared by Buckeye Civil Design.

The SWPPP and Water Quality Volume Calculations, also prepared by Buckeye.

The Sight Distance Statement from Buckeye.

The Zoning Floor Plan prepared by Phillips Sekanick Architects.

And the Fear Forest NOI approval letter, one (1) page, that was provided by the Ohio Environmental Protection Agency, dated 5/29/20, also.

CT offers the following general comments for the Site Plan Review in accordance with the Lordstown Codified Ordinance.

1. All final plans and calculations shall be sealed and signed by a Professional Engineer, licensed in the State of Ohio. I believe this latest submission has all of those signed and sealed.
2. Copies of all permits obtained from other agencies for this development, which would include Ohio EPA for the NPDES, Trumbull County Sanitary Engineer for connecting to the sewer, and Trumbull County Building Department shall be submitted to the Village for filing.
3. Addresses off-street parking. And with respect to the future off-street parking area that is shown on the plans, that it is -- it is unclear the -- at the time, it was unclear -- the need for this additional future parking or when it will be constructed. However, it was covered in the Site Plan Review form.  
The future striping shown will be reviewed at that time; but currently, as it's shown, does not provide for on-site traffic circulation; and therefore, the number of future stalls -- which I believe was projected to be 58 -- may be subject to change upon the - upon Final Site Plan at that time.  
And also, we just requested that they please provide a table, on the final plan sheet, to summarize the number of parking spaces for the proposed and future conditions. Again, that information was provided in the Site Plan, so I don't really see the need to include that because that's going to be part of the record.
4. No hydraulic grade line calculations were provided, along with the storm sewer calculations for the system to confirm that it was properly sized -- and reference was made to Trumbull County Drainage Manual 3.2.3 for requirements.
5. No headwater calculations were provided for the driveway culvert to ensure it is properly sized. Reference was made to the Trumbull County Drainage Manual 3.2.6 for requirements.

Both of those items, four (4) and five (5) -- I don't suspect that there is going to be an issue with it, but it is part of the Code requirements to provide that as part of the Plan Review.

June 8, 2020

The culvert -- the current culvert, I believe, is a 12-inch culvert, and they're upsizing it to a 15-inch culvert; and again, we wouldn't anticipate any issues with that -- again, just following with the Code requirement.

6. Is a recommendation -- because it's really -- it's on their site -- and that was just for the outlet pipe from the storm water management pond, it appears to stop short of the existing or current gravel driveway that will be used by the facility, and also for gas well access. It was just our recommendation they may want to consider extending the pipe beyond that gravel driveway to prevent the chronic washouts from the pond discharge pipe and having to make repairs to that pavement.

Other than that, CT recommends approval upon the acceptance of the necessary waivers and resolution of the parking, which sounds like that's been somewhat worked out -- and completion of the technical items as outlined.

**MR. RECH:** Okay. Thank you, Mr. Smith -- any questions for Mr. Smith?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** All right -- very good.

**MAYOR HILL:** You have to ask if anybody here wants to speak.

**MR. RECH:** If anybody on our Zoom meeting has a question for Mr. Smith, please star six (\*6) your phone, and you may ask it. At this time, Mr. Alan Tura, do you have anything that you would like to say in regard to the project?

**MR. ALAN TURA:** No, I just thank Lordstown for giving me an opportunity to come into compliance. I am looking forward to it and looking forward to our new business and our expansion -- and just appreciate all the hard work everyone has done to help us get the ball rolling.

My partner, Juliana Currier-Queen, has been very helpful, and she's going to speak -- with some questions here in a little; but I do appreciate the opportunity to continue to grow in Lordstown. Thank you.

**MR. RECH:** All right, thank you -- any questions from the Planning Commission?

**MR. SHAFFER:** Yeah, I've got a question. On the one sheet that Kellie read off -- for location of walls, fences and buffers, there's a sentence in there that says, "In places where an earthen berm or masonry wall are not located, there is a significant amount of dense woods, which will act like a barrier." What's the chances that dense woods are no longer dense woods at some point in time?

**MR. ALAN TURA:** We have no intentions of removing any of the woods that are there.

**MR. SHAFFER:** And that's your property -- your trees?

**MR. ALAN TURA:** Yes. Yes, all -- I mean, all the 60 -- 68 acres. I mean everything that she read, as far as distances, we'll maintain that, probably, indefinitely. So, I mean -- do you have a question regarding our --

**MS. CURRIER-QUEEN:** The only place that is closer to the property line is on the northwest diagonal, abutting his brother's property, Larry Tura; and after discussion with him, we've decided to extend the buffer and earthen berm down that diagonal. So besides that, all the other woods are -- are fairly dense.

**MR. SHAFFER:** Because we also have to be concerned about what the future -- possible future owners of that property that, you know, if things aren't put into place, and the trees disappear -- 10, 12, 15, 20 years from now -- then there's nothing there to protect those people from anything. That's my only concern.

**MR. RECH:** Okay. All right, thank you. Where do we want to go now? Do you want to ask for public -- yeah?

Village of Lordstown Planning Commission

June 8, 2020

**MR. ROOK:** One (1) other question in regard to the police on Saturdays -- Fridays and Saturdays. Are those on-duty policemen or are those hired, extra, by you?

**MS. BORDNER:** I believe that -- I'm going to speak to that, if you don't mind, Mr. Rook. Kellie Bordner, speaking --

I'm sure that Chief Milhoan is online, and he's very good about being online with these Zoom meetings; and I'm sure that he can answer if you have any additional question, but it is my understanding that those are off-duty police officers that then get picked up to do extra work in their free time; and Mr. Tura and Ms. Currier-Queen hire them, during their off-duty time, to act as -- essentially, additional security guards.

**MR. ROOK:** Okay, very good -- thank you.

**MAYOR HILL:** Okay, I believe Brent is now on -- Brent?

**CHIEF MILHOAN:** Chief Milhoan -- Mr. Chairman, may I speak?

**MR. RECH:** Yes, please.

**CHIEF MILHOAN:** Kellie is correct. Our officers did provide security at Fear Forest. They are doing it as an extra security detail. They are not officers that are currently working the road.

**MR. ROOK:** Very good, thank you.

**MR. RECH:** Thank you, Chief.

**MAYOR HILL:** Thank you, Brent.

**MR. RECH:** Mr. Tura, with regard to your parking area, do you utilize -- I think I read in here, but I just want to clarify -- do you utilize parking attendants -- or how do people get parked, basically, in the parking lots?

**MR. ALAN TURA:** Well, we know which nights, at the beginning, are not as busy; but we regulate that as the weather gets better, and we get to our busier part of our season. We have between two (2) to four (4) people that I hire to work the parking lots. A couple of them actually direct them in with lighted flashlights -- wave them in, and then they're then directed down to a specific lane to another attendant that directs them to where the spaces are available.

**MR. RECH:** Okay.

**MR. ALAN TURA:** Then the way it's set up -- at the beginning, folks will be able to drive around and select their own parking spot until we get nearly filled; and then we'll continue to backfill any open spots that come available with our attendants.

**MR. RECH:** Okay. Very good, thank you. Other questions, discussion -- any questions for this gentleman?

**MS. BORDNER:** So we also have present the Engineer on the side of Fear Forest, Mr. Tom Bowser, from Buckeye Civil Design.

**MR. BOWSER:** Yes.

**MS. BORDNER:** And I'm sorry. I don't know who else is with you. I apologize.

**MR. GONDA:** Joe Gonda.

**MS. BORDNER:** Joe, you were in the e-mails, okay. So Joe Gonda is also here, and I worked with these guys, trying to hash out a few issues that we had. Particularly with regards to parking lot concerns and making sure that those earthen barriers were in place, and they worked very well with us so -- I'm sure that Mr. Smith would agree, and -- I don't know if somebody has any questions? I'm sure that they would be happy to answer.

**MR. RECH:** Okay, all right -- thank you. Thank you, gentlemen. Okay, are we to the point --

Village of Lordstown Planning Commission

June 8, 2020

**MS. BORDNER:** Do you want to ask for public comments before we do a waiver?

**MR. RECH:** Yes, I think so. All right, good evening. At this point in time in the meeting, I will ask for public comments. Again, you should be muted. So star six (\*6) your phone, state your name and address again, and try to be as concise as possible, please; and then when you're done speaking, mute your phone again. So is there anybody that would like to say something?

**MR. LARRY TURA:** Yes, Board -- this is Larry Tura. And I'm at 6840 Tod Avenue, S.W., Lordstown.

I just wanted to reiterate the earthen barrier that Juliana was talking about, which is approximately 440-foot in a northwest direction, abutting my residential property; and I met with my brother and Juliana in regards to this last week. It was Friday morning, and I expressed my concerns that -- first of all, that it wasn't high enough; and secondly, that it wasn't long enough.

They had agreed to extend it to 440 foot to the northwest, but my big concern was that they increase the height to at least eight feet (8') because the viewpoint was -- when you're sitting on these wagons, that you're already sitting at four and a half feet (4.5') above ground. So anything less than the four and a half feet (4.5'), would be useless, really. And he agreed to that. They both agreed that my concerns were valid.

And I also expressed to them that I particularly didn't think that the -- that the screen wall, which I believe was (INAUDIBLE) arborvitaes or a berm or something like that -- I told him that I would be expecting some type of small, white pines on -- evergreens on six-foot (6') center, which I kind of believed was a little bit vague as far as the zoning goes -- but those were issues that we had discussed. Juliana mentioned them, but I wanted to clarify that we also requested them to be much higher than the drawings showed.

That being said, one of the gentlemen there, on the Board, questioned about the barrier -- the dense woods. A lot of the dense woods -- at least everything on 1,000 foot on the north side of the property, abuts mine -- my property -- and those are my trees. So I didn't feel that my trees should be used as his dense woods barrier, per se. So that was my issue there.

So that's -- I just wanted to go on the record and clarify that. That's how that was going to be done -- and other than that, I think that I'm relatively good with everything else.

**MR. RECH:** Okay, what's the height requirement for the --

**MS. BORDNER:** You can put four-foot (4') -- it's a minimum of 4-foot (4') trees.

**MR. RECH:** No, the --

**MAYOR HILL:** Four-foot (4') -- four-foot (4') earthen barrier with four-foot (4') trees on top of it.

**MS. BORDNER:** Correct.

**MR. RECH:** Okay.

**MR. LARRY TURA:** I'd like -- I'd like to comment on that, please.

**MR. RECH:** Go ahead.

**MR. LARRY TURA:** The Zoning -- the Zoning states -- and I can have my wife read this, directly, off of the Ordinance; but it says four-foot (4') -- "a minimum of four-foot (4') from ground level or nearby roadway."

And the nearby roadway happens to be State Route 45, and it is approximately four-foot (4') higher than the grade is for the tractors as they come past. So I don't think it's unreasonable for me to request a barrier that's adequate under the circumstance -- and per the Code.

**MAYOR HILL:** Larry, what's the height of your house compared to 45?

June 8, 2020

**MR. LARRY TURA:** Well, I'm not sure -- but it doesn't state that. And we're not talking about my house. We're talking about a barrier --

**MAYOR HILL:** Well, we're --

**MR. LARRY TURA:** -- and the barrier -- the barrier states the road.

**MAYOR HILL:** Well, I believe you want us to address this to give you privacy concerns, and also to give you a barrier from your brother's business, correct?

**MR. LARRY TURA:** That's correct -- and under the circumstance, when he's on a wagon that the seat is 54 inches off the ground, it kind of is -- not real helpful -- because he's already starting off at four and a half feet (4.5'). Do you follow my theories on that?

**MR. RECH:** But if you're at four feet (4') off the ground on a barrier, and the wagon is at roughly that height, and the people are sitting on the wagon, correct? So then if you put another four-foot (4') of tree on top of that, that should sufficiently shield that, shouldn't it?

**MR. LARRY TURA:** Well, not really because if you look at the trees that typically are put in there -- and you can go look behind Dollar General. They put in a berm back there of sorts -- and in my opinion, it's not adequate; but that being said, look at the barriers behind the Dollar General. They're substantially higher than four feet (4').

And this all being said, this was something that was discussed between my brother and I with regards to me opposing it or not. So I just wanted to go on the record to clarify what we had discussed.

**MAYOR HILL:** Larry, this is Arno. You also stated that you felt that your trees on your property shouldn't be considered part of the barrier. Are there any trees on your brother's property, abutting your property in that area?

**MR. LARRY TURA:** There are some, but it surely wouldn't be considered dense woods. If you look at the drawing, he has -- his path, running just along that 50-foot offset area that we're talking about -- so there can't be any real barrier from him because it's his road.

If you're looking at this sheet -- 1 of 13, done by Buckeye, and he's there -- you can easily see that he shows a path on the northwest, abutting my property, for approximately 440 feet - - what happens to be the new, designated trail or path -- or path. I'm not sure. I'm looking at an 11" x 17" drawing, so it's a little unclear.

And you know what, Mr. Mayor and Board -- I'm not sure if Bob Bond is there or not because I didn't hear any roll call and that, but all of you know I've been (INAUDIBLE) about these earthen barriers for years. This isn't nothing new. I have been adamant about earthen barriers for years in regards to everywhere that they are -- that they exist. When you asked about the trees being dense to the north, which abuts my brother's property -- if I were to have my property logged out, which is 13 acres that abuts his property -- then what assurance would I have that I would be covered with the -- with the requirement?

**MR. RECH:** How far does your house sit from your property line -- your southern-most property line?

**MR. LARRY TURA:** It's probably about -- about 600 feet of wide, open space.

**MR. RECH:** Okay, all right. Mr. Reider -- go ahead?

**MR. REIDER:** I want to come up. Can I come up there and see?

**MR. RECH:** Yes.

(WHEREAS, MR. REIDER AND THE BOARD WERE REVIEWING THE MAPS, AND PROCEEDINGS WERE AS FOLLOWS:)

**MS. CURRIER-QUEEN:** May I make a statement towards Larry if he's still on the phone?

**MR. RECH:** He's still there --



Village of Lordstown Planning Commission

June 8, 2020

**MS. CURRIER-QUEEN:** All right.

**MR. RECH:** -- but hold on a second. Go ahead, Don.

**MR. REIDER:** That's what I want to ask. Is this what he's talking about, right here?

(WHEREAS, THE PLANNING COMMISSION REVIEWED THE MAPS, OFF THE RECORD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** Okay, hold on there, Mr. Tura. Ma'am, you wanted to say something?

**MS. CURRIER-QUEEN:** Yes.

**MR. RECH:** Say your name again, please.

**MS. CURRIER-QUEEN:** Juliana Currier-Queen.

**MR. RECH:** Thank you.

**MS. CURRIER-QUEEN:** And Larry, we have agreed with that northwest diagonal -- to do that 400-some feet, with the eight-foot (8') barrier. I'm not sure of what's required, at that point, as far as plantings are concerned; but I don't believe you expressed any type of --

**MR. ALAN TURA:** -- need.

**MS. CURRIER-QUEEN:** -- need as far as a barrier between the north side of your property. So I think that we were all content with the northwest diagonal the last time that we spoke.

**MR. LARRY TURA:** No, we weren't discussing -- may I speak? This is Larry Tura, speaking.

**MR. RECH:** Go ahead.

**MR. LARRY TURA:** I wanted -- I wanted to say that we were not talking about anything that was on the west of my property -- or I guess that would be the southwest -- because I have more than 1,000 foot that abuts them -- probably 2000 foot.

We're talking about the first 230 foot that meets the rear of Warren Fire Protection, and 440-foot after that -- heads off in a northwesterly direction. That's the barrier that I'm concerned with -- because everywhere else, it kind of gets a little thin, and I don't think that would be an issue. You following me?

**MS. CURRIER-QUEEN:** Yes.

**MR. LARRY TURA:** So Juliana, we're still in agreement. I was just trying to clarify the height -- because you didn't mention that, and I was trying to clarify the type of trees that would be put on that.

**MR. ALAN TURA:** Was you wanting the trees down the 400 lineal feet as well -- or just the eight-foot (8') pile of dirt?

**MR. LARRY TURA:** At this point, I think I just have to ask for an approximate 440 feet because I don't want to have any -- anything that we can't document on the -- on the record.

**MAYOR HILL:** Are you -- are you expecting him to cut those trees down to put that barrier in?

**MR. RECH:** He can't.

**MR. LARRY TURA:** I'm not expecting him to cut down anything that he doesn't have to cut down to make his pathway work as well.

**MR. RECH:** Okay.

**MR. LARRY TURA:** So there will be some small trees that he would normally have to cut down anyway to maintain any type of distance off the property line -- so, yeah, there may be some.

June 8, 2020

**MAYOR HILL:** But if we require earthen barrier, he'll be on the property line, and those trees are probably gone -- correct? And you'd rather have -- you would rather have an earthen barrier instead of those trees on his property?

**MR. LARRY TURA:** Absolutely, because it has to do -- this happens in the fall, sir; and there's no -- there's no foliage on the trees, and the trees are blank. They're empty. There's no leaves. There's nothing there.

So all of the grass and weeds -- and everything that grows up that we're calling our barrier, is basically gone in the fall. So that's more or less why I'm complaining -- because I know in the fall, there's nothing there. You can see right through it.

**MR. ALAN TURA:** Larry, is it possible that we could take our line from behind our building, and go directly west into the woods, maybe 100 feet -- and then take a trajectory from that point, north, to give you a substantial amount of woods to create a better tree buffer? Because rather than put in -- I'm thinking, rather than put in a bunch of -- we, basically, would have to take out an awful lot of trees to be able to get equipment in there to build that earth barrier, and then put trees back on top of a barrier after we just took out trees.

So I'm wondering, after thinking about this, whether we would be better, at that pin that goes at an angle -- if we were to continue that into the woods, possibly 100 feet, and then take a diagonal -- move the diagonal west, which would bring it out -- down the well road considerably farther -- over 100 feet farther -- and add a large chunk of forest between that diagonal. That might give you trees without having to put in trees. We'd utilize what is there.

**MR. LARRY TURA:** You know, I know we're getting a little bit, you know, really out there -- because we're talking about stuff on drawings that nobody can really see. That being said, it doesn't really make sense that he wants to move 100 feet over and clear out a bunch of trees and forest that are existing, when the majority of what I'm talking about is already cleared out by a tractor's path.

**MR. ALAN TURA:** But that path -- that path is only about 15-feet wide; and if you put a 20-foot barrier, we would literally have to take out, probably, a 20-foot strip of additional trees to be able to maneuver equipment in there to create a decent ramp and earth barrier. So we actually would have to take out -- because now the space that's there, there's no room for the equipment -- the tractor or the wagon. So now we have to take out more trees.

So I was thinking, rather than take out all of this just to get a barrier, we may be better just to go directly west into the heavier woods, and then take a -- a north-westerly angle, and have it come out much farther down than from where it comes out now.

**MR. RECH:** Yeah. All right listen guys -- we're going to have to kind of squelch this a little bit. I mean, you guys met. You talked about it. I thought you had an understanding.

I mean, from a Planning Commission standpoint, you have to meet what's required with the Zoning. If you two want to get together again and decide something else, in addition -- that exceeds it, that's up to you.

I mean, Mr. Larry Tura, your -- that's why I asked how far your house was from your property line. It's not like the back of your house is, you know, 40 feet from where we're talking his path is going to be.

So I don't want to get into -- excuse my language -- but I don't want to get into a pissing match here about these barriers and these trees, but -- so that's kind of what I think, and I don't know if anybody else has -- Planning has other thoughts, ideas, suggestions?

**MR. SHAFFER:** Is everything acceptable as -- as Alan -- as Alan has proposed it to be?

**MS. BORDNER:** They've met the required Codes.

**MR. SHAFFER:** Then as far as the trees and buffers, is there some way that we could put that into a motion -- that if it was to be logged, then it would have to come before Planning or something to --

Village of Lordstown Planning Commission

June 8, 2020

**MS. BORDNER:** We could -- I believe that Attorney Dutton is online -- but if I'm not speaking out of turn, and I'm sure Paul will let me know if I am -- I believe that if the Planning Commission would like to grant approval of the Site Plan and say that there could be no timbering of the trees on Alan Tura's property, without coming to Planning Commission for approval -- because he has an existing business there -- and that existing business has these trees being used as a natural barrier in various areas, I would think that that would be a condition that you all could make -- unless Paul disagrees.

**MAYOR HILL:** Paul, I just un-muted you.

**SOLICITOR DUTTON:** Yes -- that's a reasonable condition, Kellie.

**MAYOR HILL:** Thank you, Paul.

**MS. BORDNER:** Thank you.

**MR. SHAFFER:** And the trees on your property are sufficient buffer, I take it?

**MS. BORDNER:** I believe -- if you're asking me, from a Zoning standpoint, I believed so.

**MR. SHAFFER:** Then I'm okay with --

**MR. RECH:** Okay.

**MR. SHAFFER:** -- if he plans on timbering, then it would have to come before the Board then, again -- to add that in there.

**MR. RECH:** All right. Is there other --

**MR. SHAFFER:** So we can move forward.

**MR. RECH:** Is there other public comments?

**MR. LARRY TURA:** Yeah, I would like to comment. I would just like to say, when we went into this Planning Commission for the preliminary, I made a comment that as long as it was done according to the Village of Lordstown Zoning Ordinances, that I didn't have a problem with this being rezoned.

I'm having a problem with it now because I don't believe that there's adequate buffer between that tractor path and my property. So I'm going to go on the record saying that again. I don't agree with it, and I probably have a problem with that.

**MR. RECH:** Okay -- thank you, Mr. Tura. Is there anybody else that has a public comment this evening?

**MRS. TURA:** This is Jacqueline Tura. 6840 Tod Avenue, S.W., Lordstown, Ohio.

I would like to also reiterate that the Code -- Lordstown Landscaping, Buffers and Barriers, 1169.01(b), clearly states that whenever property is used for industrial or commercial and abuts residential purposes, such property shall contain a landscaped barrier area no less than three feet (3'), and no more than ten feet (10') from the property line of the property used for residential purposes. It shall be either a masonry wall, or a landscaped earthen barrier. A landscaped earthen barrier shall be a minimum of four feet (4') in elevation above the nearest roadway, or ground surface, whichever is greater, and shall include a view-obstructing dense planting of evergreen shrubs or hedged tree line set at intervals of no more than six feet (6') from center to center.

My comment on that is that it cannot be a dense tree line on the property line when the trail is on the property line. If you take the drawings, and you look at the dotted line that goes across the property line, within the 50 feet that you would normally have a setback or a building, the trail is there.

Therefore, all of the dense trees are on my property. I own the trees. So him logging has absolutely nothing to do with it. It -- it would -- there's nothing there. You cannot be on the line and provide a barrier.

Village of Lordstown Planning Commission

June 8, 2020

And our lot -- our residential property is over one 1,000' feet long -- or 2000' feet, and we're asking for an additional 440' feet of coverage; and it doesn't distinguish anywhere on here, in the Code, that you have to be so far from the property line that you would need this barrier.

It just says, "Commercial to Residential" -- and ours is Residential. So if he is on the line, I don't understand how that gives him any dense barrier.

**MR. ALAN TURA:** Would it be possible -- if we could put the eight foot (8') pile of dirt down that line, is it possible that we could put some of that dirt right on the line -- or even more on your side because I don't think there's enough room. So I would like to see if you would approve us adding some of the dirt on your side as well -- so it's your dirt?

**MAYOR HILL:** I think that's a family issue, and I think -- like what Mr. Shaffer said -- he said, if there's any of that logged, whether it be yours or Larry's, then you come back to Planning Commission. If we could do it that way, where if either -- if Larry logs his or if you log yours, and it becomes a sight issue, he'd come back to Planning Commission. I would have no problem doing that.

Because if Larry never logs his, he's not going to see anything. If you log yours, you still have to come back and put a barrier up.

**MRS. TURA:** This is Jacqueline Tura, again. I don't understand why what I do on my property -- logging, not logging or otherwise -- has to do with the Commercial piece of property abutting my Residential property -- and it's per the Code Ordinance that's on the books.

**MAYOR HILL:** Well, my thinking is -- and, you know, we have the right to vary from this if we want, Jacqueline -- but if you have 200 or 300 or 400-foot of trees, and they're going to remain there -- and, you know, you have the right to do whatever you want with your property, but there is a natural barrier there; and if that barrier goes away, and Alan has to come back in here, you're right -- it has nothing to do with your property, but there is a natural barrier there. If you decide to log all that out, he has to come in and address that area. That -- I can live with that. And that's my opinion, only -- and I'm one (1) of five (5) votes on this Board.

**MR. LARRY TURA:** (INAUDIBLE) This is Larry Tura. I don't want to turn this into a family issue. This is a business issue. This has nothing to do with Larry Tura or Alan Tura. This has to do with Larry Tura, R-1, abutting Alan Tura, B-1 property.

That being said, this was all covered in the discussion between Alan Tura, Larry Tura, Juliana and Jacqueline -- and I'm really surprised that it's going to get to this point -- that we're going to go into a vote, here, in regards to something that is clearly not right for the abutting property owner.

**MAYOR HILL:** Larry, this is Arno again. Our job is to sit there and protect all the property owners; and that includes you, and that includes your brother; and this is my opinion, only -- and I'm only 20% of the vote of this Board; but right now, with all the trees you have, there is a natural barrier. You won't see a thing. My opinion only.

And if you decide to log that out, and there's an issue -- if the Board goes along with this, he'll have to come in. He'll have to put an earthen barrier up; but then if the trees are still there, you do not see anything. Am I correct when I say that?

**MR. LARRY TURA:** It's not necessarily what I see. It's what I hear, also, Mr. Mayor; and as I said earlier, there's no leaves on these trees in October; and I would wish the Board would reconsider, before they trump out a landowner who's done nothing wrong. I am perfectly within my right, as an R-1. I'm not the one changing anything here.

**MR. SMITH:** If I may speak, Mr. Tura? This is the Jeff Smith at CT, again.

I believe that the trail that's being proposed is offset from your property line about 20 feet or so. So there will be some space with -- you know, between your property line and the trail;

Village of Lordstown Planning Commission

June 8, 2020

and within the Code, there's, you know, the buffering requirement is within three (3') to ten feet (10') of the property line.

So, therefore, the trail is going to be far enough away that that buffer will be provided in between the property line and the trail.

**MR. SHAFFER:** Kellie, according to Lordstown Code -- and I'm not talking about Larry Tura's property. I'm only talking about Alan's property -- the project that we're discussing tonight -- the way that it's been proposed, is there enough barrier between property lines? Does Alan have enough -- does he meet the requirements for Code?

**MS. BORDNER:** The Code strictly speaks to creating an earthen barrier -- just as Jacqueline read it. She read it very accurately. So what she read was -- "an earthen barrier or a masonry wall."

This Board has -- this Commission has in the past -- and we have to take a look at those kinds of things -- has, in the past, considered other developments or projects, which would require a barrier of some type between a Commercial or Industrial and Residential parcels; and in doing so, has allowed trees, densely populated, to be a natural barrier. It would be difficult for someone to create an earthen barrier or a masonry wall -- and I'm not picking sides, here. So I want to be clear that I'm not picking sides.

What I'm trying to explain is -- is that, strictly speaking, what Jacqueline Tura read is accurate. There should be an earthen berm and/or a masonry wall. That's what the Code calls for. We interpret the Code, you know, as the Mayor has -- we discussed before -- on a case by case basis. Am I'm wrong, Mayor?

**MAYOR HILL:** No, you're correct.

**MS. BORDNER:** And we have to consider what exists -- how the land lays as we do those developments. So I -- I don't know what this Board would consider enough trees or appropriate trees or dense enough or not dense enough. That would lie in your decision.

**MR. SHAFFER:** Has the -- has the Board set a precedent or made other decisions like this on other properties that have left trees for a barrier?

**MS. BORDNER:** I mean, if you want me to speak accurately, what I would say is that we would have to table this issue, and I would need to do some research on that because I would not want to speak out of turn and tell you "yes" or "no", without having hard facts to offer; but, I mean, do I believe that they have? Yes, but I would -- I would rather be specific.

**MR. RECH:** Mr. Alan Tura, do you have something you would like to say?

**MR. ALAN TURA:** All right, Larry, you originally was happy with 8' x 20'-foot-wide dirt pile. You never mentioned trees. Are you okay with an earthen barrier 8' feet tall, 20' feet wide -- the whole 420' feet? Would you be happy with that?

**MR. LARRY TURA:** You know, Alan, I really hate to -- to back-peddle on anything that we discussed.

**MR. ALAN TURA:** But I thought that's what you --

**MR. LARRY TURA:** But I would like to ask the Board to table this under the circumstances. I don't think that we're -- I don't want to say -- I don't have to be in agreement, but I just feel that I was told one thing, and something else is going down contrary to we believe is the Ordinance.

You guys do what you want to do, I guess -- and I'll be in the predicament that I'm in, and I'll just have to see how I'm going to handle that.

**MR. RECH:** All right.

**MR. LARRY TURA:** I don't think that you should allow the barrier to go in the way it's been discussed.

June 8, 2020

**MR. RECH:** We're going to have one of the gentlemen from Buckeye speak. Go ahead, sir.

**MR. GONDA:** All right, this is Joe Gonda with Buckeye Civil Design. To put an earthen berm 8-foot tall, we would need to clear a path, at least, 70-feet wide -- because the dirt would be - - 3%/1%/5% slope, 8-foot tall, it'd be 24' -- 24' either side. That's about 50' -- plus you will need some land on the side to get the trucks in and out. So it would be about 75' -- 70' of trees that would have to be clear cut in order to put the dirt in there.

As an option against that, I know you're concerned about the trailers -- we're showing it, like, I think about 25' from the property line -- that cart path. Can we go ahead and move that cart path over 50' -- about 75' from the property line; therefore, leaving all those nice, mature trees in place and keeping the trailers and tractors further away from that property line, you know, 75'.

**MR. LARRY TURA:** You know, I wasn't following that completely about moving it 75 feet because I don't -- you don't have 75 foot up by the building. I'm not sure if you were talking about that -- or if you were talking more into the woods?

**MR. GONDA:** Yes, just on the north side of Alan's building -- the path there. It would continue, west, into the -- into the woods, now probably another, you know, 50' or so -- so that when that cart path takes a northwest direction, it will be over 50' from the property line -- more like around 75'.

Then he can bob and weave the trail through the woods leaving the mature trees; and all that tree -- all the trees, in that 50-foot building setback, would remain -- because if you want a dirt berm there, 8-foot tall, we would have to clear out 70' of trees to put in that dirt mound.

**MR. LARRY TURA:** I think at this point, cuz I'm making no -- we're going around here -- (INAUDIBLE) here. I would say to -- to the Board, I voted -- adamantly, strongly oppose you allowing this barrier to go in like it's going in on the drawings.

So really, at this point -- either you pass it the way it's on the drawings -- or you table it; and then, you know, it is what it is, and we'll all deal with it together -- because I'm not happy. I will tell you that -- and I'm probably not going to just sit back and let it happen. That being said, do -- do what you need to do.

**MAYOR HILL:** A family issue.

**MR. RECH:** Yeah, unfortunately, I think this is becoming a family issue, and not a business entity between two (2) landowners. So I'm not sure what the -- what the mood of the Board is at this point in time; but if we want more time to discuss it and review it, I'm okay with that as well.

**MS. BORDNER:** Well, can I offer that if you're going to think about doing that, can we at least take a look at the parking issue as well because if there's going to be additional issues with regards to the parking, they should know that as well; and let's see where the Board lay on that issue because -- I mean, it's pretty hard to go back to the drawing board and try to fix one (1) thing, and then come back and -- oh, you got to go back again because we're going to have to address parking.

So if we could just take a look at parking and see if whether the Board was willing to grant the waivers on that or not; and if not, then they can figure out what they can do from there.

**MAYOR HILL:** I think we could probably pass this with everything except for getting the earthen barrier issue resolved, and if he doesn't do anything back there yet, you know; and if you want to table it, just table that part of it -- but I do believe that this has become a family issue, like Mr. Rech said, whether anybody said it is or it isn't.

**MS. BORDNER:** I'm just not sure how to handle the earthen barrier issue because, like we said, I mean the Code is very specific as to what is required. I felt that in certain circumstances, with regards to this development, Mr. Alan Tura was willing to go above and beyond and make it bigger and longer than maybe what's required -- but, you know, maybe not.

June 8, 2020

I mean, if there are not enough natural barriers with regards to the trees-- I don't know. I'm sure Paul is still on. I don't know what his thoughts are, but at some point, it could become a matter of impossibility in order to try to create an earthen barrier, where there already exists dense tree areas.

So I'm not sure how we get around that -- I don't know how strict the Code is in terms of is there something we can do with that? I don't know.

**MR. SHAFFER:** Well, I don't think it's reasonable to have to cut out 400' x 70' swath of existing forest, in order just to put an earthen barrier in. I think the Engineer's suggestion to reroute that hayride path a little bit would ensure more of a forested barrier.

And Arno, I've got to disagree with you. If Larry Tura cuts down his trees, Alan should not have to come back before the Board to do something about that. That's not his responsibility at that point. That would be Larry's responsibility that he took his trees down and removed that barrier, himself.

Now, if Alan chooses to cut trees down, then he would have to come before the Board and make whatever -- do whatever he needed to do to come into compliance with our Code at that point.

I do not have a problem using existing forest as a buffer, as long as it's adequate; and the Engineer's suggestion of re-routing that cart path, to me, I think would be reasonable in making it adequate.

**MR. ROOK:** I would agree with that, but you can't use Larry Tura's trees as part of the barrier.

**MR. SHAFFER:** Right.

**MR. ROOK:** If 75' of trees is enough for a barrier, then that's fine, and I'm okay with it; but if it's not, it should only affect Larry Tura's property at his property line. His trees should have nothing to do with it.

**MR. SHAFFER:** Right.

**MR. ROOK:** So if 75 feet is enough of a tree barrier, then that's fine. If you want to plant more pine trees that don't lose their leaves, maybe that would be adequate. You know, it's up to you guys.

**MR. RECH:** Go ahead.

**MR. GONDA:** Joe Gonda, Buckeye Civil Design, again. Also, keep in mind, when reading that Code about the landscape buffer -- typically, that's used when you have a business up against a Residential; and usually, when that happens, that business wants to get -- develop all the property right up to the property line.

Like right now, we have a 50-foot building setback. That does not mean parking or driveway access. So, typically, that 4-foot buffer -- 4-foot mound, would be along a driveway to block that parking lot from the Residential.

Here, we're out back in the woods, and that cart path is going to be over 50 feet from the property line. It's not like a parking lot is going to be right there. That would require a 4-foot mound with some trees. So just keep that in mind while you're contemplating this.

**MR. LARRY TURA:** I would like to comment on that, sir.

**MR. RECH:** Sure.

**MR. LARRY TURA:** This is Larry Tura. I want to comment because I want to correct him and say that his wagon path is within the 50-foot offset line. So there is zero (0) space between Alan Tura, his path, and Larry Tura's property.

June 8, 2020

So I believe it's Rook that mentioned about my tree line. That's a property line, and you need to keep that in respect -- because he's 100% right. What happens on Larry Tura's side, should have no effect.

And then he -- the Engineers, there, just mentioned about 70' to -- 50', 75' feet -- a number. He's looking at drawings. His path is in that 50-foot offset; and Kellie, I'm sure you could point that out to him.

**MR. GONDA:** We all here agree with you, and we will move that cart path to -- over 50' from the property line.

**MR. LARRY TURA:** The problem is -- is that's already cleared for the path, so now you have less trees there. There are no trees now, and there will be 50-foot less trees.

**MR. GONDA:** In between the existing trees, we can plant some trees -- or if there is a mound there -- if there is a clear path already, we can go ahead and pile some dirt there; but it might not be eight foot (8') because we don't want to tear down trees to put up the dirt mound.

**MR. LARRY TURA:** I'm -- I'm -- I'm kind of open for something on this, you guys. I know the Board is on the fence about this fence -- but I mean, you know, you got to look out for me as a landowner, also. I'm a resident here, and this is a business trying to use their property right up into -- within 20 foot of these property lines, so --

**MR. RECH:** All right. Mr. Dutton, do you have anything you want to add, sir -- any wisdom for us?

**SOLICITOR DUTTON:** Okay. This is rather unusual. We haven't had one of these kinds of barrier issues. Obviously, we're dealing with a property -- a business -- a commercial operation that's a business operation. It is a non-conforming use. It has never submitted anything to Site Plan Review before.

So, as a non-conforming use, you cannot prohibit its continuing operation as is; however if the property owner of the business wishes to expand this operation, you must apply the rule of practical compliance to any such expansion -- so that if our Zoning requirements requires an earthen barrier or some kind of a buffer between the abutting property owner and the expanded use -- it must come into practical compliance; and if there's enough land, if there's enough vegetation, if there's enough trees, then you must enforce the buffer.

Whether these property owners are related by blood or marriage or they're strangers, is irrelevant to your consideration. These properties very likely, at some point in time, will be sold to third parties. So you can't predicate your decisions based upon family relationships or that they can work it out.

If the current Site Plan Map, as presented, regardless of what the abutting property owner says, satisfies your concerns -- that there is a practical application and enforcement of our Zoning Code, then you can vote in favor of it.

If the current Site Plan Map, as presented, does not satisfy that practical concern, then you should delay the vote, table it, and require the Zoning Administrator to work with the Applicant to resolve those difficulties -- and I'll be glad to answer any questions.

**MR. RECH:** Questions for Mr. Dutton -- thoughts?

**MR. ALAN TURA:** Larry, I -- I don't want to be a family issue. I will put the 20' x 8' barrier down through there, and I'll -- and we'll just put it right down that path 420' to satisfy you.

**MR. LARRY TURA:** Well, I just want to go on the record saying that in the first place -- because that's not what Juliana said. So that being said, if I'm going to get the barrier -- 440-foot, in addition to the 230', with trees on it, then we -- we're -- you can go ahead and pass this tonight.

And I think with the Solicitor 100%. This isn't a family thing. This is a business deal, here.



June 8, 2020

**MR. ALAN TURA:** Well, we'll put the trees on there just as it's required. You'll get what you asked for.

**MR. LARRY TURA:** All right, Mr. Mayor. I think you have the information you need as far as the Tura's, an abutting property owner. Now, the Board -- it's up to you to do what you want to do with it.

**MR. RECH:** Does everybody understand what we're talking about?

**MS. BORDNER:** I believe if I understand it correctly, there was 230 feet of a landscaping barrier with trees that were coming off -- a 4-foot barrier with another 4-foot of trees. They are going to extend that down another 420 feet, down the path. It's kind of like a diagonal. It kind of takes a diagonal approach, and they will make sure that it reaches 8-feet (8') tall, total. Am I right about that or --?

**MR. ALAN TURA:** -- eight (8) foot (8') of dirt --

**MS. BORDNER:** -- eight (8) foot (8') of dirt, plus trees on top.

**MR. ALAN TURA:** -- plus 4-foot trees on top.

**MS. BORDNER:** Eight-foot (8') high dirt, 4-foot (4') trees on top. Does everyone understand?

**MR. LARRY TURA:** (INAUDIBLE) I'm grateful (INAUDIBLE) you guys -- (INAUDIBLE) --

(WHEREAS, SPEAKERS WERE SPEAKING SIMULTANEOUSLY AND IN AUDIBLE ON THE ZOOM AUDIO. PROCEEDINGS WERE AS FOLLOWS:)

**MS. BORDNER:** Does everyone understand?

**MR. RECH:** All right, thank you, Mr. Tura. Okay -- so before we proceed, let me just ask if there's any additional public comment, other than from Mr. Larry Tura or Mrs. Jacqueline Tura? Anybody else on the line have something to say?

(WHEREAS, THERE WAS NO RESPONSE FROM THE PUBLIC, VIA ZOOM AUDIO CONFERENCE MEETING, AND PROCEEDINGS WERE AS FOLLOWS:)

**MAYOR HILL:** I believe that we have the waivers.

**MR. RECH:** All right, very good -- thank you, all. Now we'll move on to the waiver portion.

**MS. BORDNER:** Yes, sir. So these waivers all have to do with the parking issues.

So the first, written waiver that Mr. Tura has presented is -- "Lordstown Codified Ordinance 1107.07 states, 'In parking lots, at least five percent of the interior parking area shall be landscaped with plantings, and one tree for each eight spaces shall be installed.'"

"We are requesting a waiver to this requirement because we believe that parking lot landscaping would not be beneficial to this project. Landscaping between parking stalls would detract from the crucial need of parking spaces in correspondence with Fear Forest's seasonal event. Each planting, whether in center islands, at the end of bays, or between parking stalls, would decrease the amount of parking stalls and would not allow Fear Forest to park customers solely on its property. The landscaping would not be enjoyed by patrons and the general public due to the fact that this business operates solely after dusk, on weekends in late September and October."

So that is our very first waiver -- to allow no trees in the parking lot be planted.

**MR. RECH:** Okay, we have this before us as a waiver.

**MS. BORDNER:** Yes, sir.

**MR. RECH:** Very good.

**MS. BORDNER:** Do you want to do them one (1) at a time?

Village of Lordstown Planning Commission

June 8, 2020

**MR. RECH:** Yes, let's do them one (1) at a time.

**MS. BORDNER:** All right.

**MR. RECH:** Is there a motion on this?

**MR. REIDER:** I'll make that motion.

**MR. RECH:** Mr. Reider -- is there a second?

**MR. SHAFFER:** I'll second it.

**MR. RECH:** All right -- any other comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** All right. Hearing none, roll call on that, please.

**MS. BORDNER:** Arno Hill?

**MAYOR HILL:** Yes.

**MS. BORDNER:** Tim Rech?

**MR. RECH:** Yes.

**MS. BORDNER:** Don Reider?

**MR. REIDER:** Yes.

**MS. BORDNER:** Richard Rook?

**MR. ROOK:** Yes.

**MS. BORDNER:** Bob Shaffer?

**MR. SHAFFER:** Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**MR. RECH:** Okay, that passes -- waiver number two (2), please.

**MS. BORDNER:** "Lordstown Codified Ordinance 1163.06 states that 'Businesses are required to have one parking stall per employee minimum.' Fear Forest hires an average of 70-90 subcontractors, at most having 100 at the beginning of the season and having closer to 70 subcontractors near the middle of the season."

"We are requesting a waiver to the requirement of having one (1) parking stall per employee because we have experienced that we have a maximum of 40 employee cars on any given night. The majority of our seasonal workers carpool and are dropped off, and although we know that there is no guarantee of this happening in the future, we are confident that this will be the case for years to come.

We would like to propose having 70 employee parking spots. Our subcontractors arrive before patrons and would park at the end of the employee parking bay, and their cars would remain in place for the remainder of the evening. Once these spots are filled, the remaining spots would be open for patrons. As mentioned before, Fear Forest has seen, at most, 40 employee cars on premises, meaning that there would be 30 additional patron parking spots, bringing the total possible patron parking spots to 181 -- eight (8) of them being handicapped.

We have intentions of adding two (2) additional wagons and tractors, to bring the total to ten (10) from the previous eight (8). This addition would decrease the amount of time spent in line, increase the amount of people able to enjoy all four (4) attractions, and would turn over parking stalls much faster because patrons will be spending less time on the property. This proposal would fall in line with the previous amount of patron parking spots used, which were

Village of Lordstown Planning Commission

June 8, 2020

approximately close to somewhere in the vicinity of 180, and would ideally use less than that amount due to the addition of two (2) extra wagons and tractors on busy nights.

Fear Forest would return to the Village to propose additional parking if, in the future, it needs to be increased.”

So, and again, I would just like to remind the Commission that we don't -- they're trying to accommodate for patron spaces as well. This Code is so -- this is so unique -- this project, this development, this business -- that I really tried very hard to figure out, should it be one (1) space for every three (3) seats? How do you determine seats? How do you allow for that turnover of time in the parking lot?

Do we judge it by 1,600 tickets, and divide it by four (4) people in a car? That would be 200 cars for every two (2) hours.

I did my best. I really don't have an answer, so I am going to leave it in the capable hands of you all, and I would like to believe and trust in Mr. Alan Tura that he will -- along with our Police Chief, Brent Milhoan, watch this issue; and if it is seen to be that it is needed to be increased, they have resoundingly offered that they would come back, willingly -- without me having to come; but I promise you that I would keep my eye on it as well.

Mr. Alan Tura is aware that I will be watching him, and he welcomes that. He's not upset by that, like some might be and he would come back to this Board and ask for an expansion of his parking lot if that need to be. So I guess, in my mind, this seems to be a reasonable solution for now.

**MR. RECH:** Okay, and we're talking, just to clarify, we're --

**MS. BORDNER:** This is just about the waiver of spaces for employees, only because I did not know how to calculate patron spaces, and he's also trying to accommodate for that as well.

**MR. RECH:** So are we saying -- is this going to be a total of 70 spaces or something else?

**MS. BORDNER:** So he's saying that he's going to offer a total of 70 employee spaces.

**MR. RECH:** Very good.

**MS. BORDNER:** And in reality, it should probably be 100.

**MR. RECH:** Okay, gotcha. So that is before us, then. Is there a waiver to set the number of employee parking spaces at 70 instead of the -- probably estimated of 100? Is there a motion for that?

**MR. REIDER:** I can make that motion.

**MR. RECH:** Mr. Reider -- is there a second?

**MR. ROOK:** Second.

**MR. RECH:** Mr. Rook -- okay, any discussion?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** All right -- roll call on that, please.

**MS. BORDNER:** Tim Rech?

**MR. RECH:** Yes.

**MS. BORDNER:** Don Reider?

**MR. REIDER:** Yes.

**MS. BORDNER:** Richard Rook?

**MR. ROOK:** Yes.

June 8, 2020

**MS. BORDNER:** Bob Shaffer?

**MR. SHAFFER:** Yes.

**MS. BORDNER:** Arno Hill?

**MAYOR HILL:** Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**MR. RECH:** All right, thank you -- moving on to number three (3).

**MS. BORDNER:** The third one is "Lordstown Codified Ordinance 1163.02 states 'Each off-street parking space shall have an area of not less than 200 square feet, which is the 10' x 20' minimum exclusive of access drives or aisles and shall be of usable shape and condition.'"

"We are requesting a waiver to this requirement of having 10' x 20' parking stalls so that Fear Forest can have more parking on its property to be able to better accommodate its patrons on busy nights.

Several businesses in Lordstown and neighboring communities have 9' x 16', as well as 9' x 18' parking stalls. We have researched parking stall sizes and have measured these spaces, by hand, at approximately eight (8) businesses. We are requesting to refigure our parking lot to have 9' x 18' parking stalls. The gained square footage would allow us to have an additional 30 patron parking stalls on our property, bringing the total patron parking spots to 181 -- eight (8) of them handicapped.

As mentioned in the second written waiver request, if only 40 out of the 70 employee parking spots are used, we would have a possible total of 211 patron parking spots, eight (8) of them handicapped. This would assure that Fear Forest would be able to maintain patron parking solely on its property on those select busy nights."

**MR. RECH:** Okay -- thoughts, comments?

**MS. BORDNER:** Let me just offer this one (1) comment. We have had problems -- and Mr. Alan Tura is aware of this because I did let him know that.

We have had problems with the smaller parking stalls at Dollar General. I don't know if Chief Milhoan is still on the line. Perhaps maybe he can speak a little bit more intelligently about any accidents or issues; and maybe it isn't as bad as people call my office and complain -- because sometimes we just -- people just like to vent and want to let that out, and my office is typically a place where that happens, which is perfectly fine; but perhaps Chief Milhoan can enlighten us just a little bit on whether or not that that's a real thing or not.

So, Chief, my question is Dollar General has stalls that are 9' x 18', I believe. Have you found that they have had increased traffic issues, accidents in that parking lot as a result of those smaller spaces?

**CHIEF MILHOAN:** I would say, no.

**MR. RECH:** All right. Thank you, Chief -- any other comments on this, thoughts?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** Okay, hearing none -- is there a motion for this waiver to reduce the size of the parking stall from the standard 10' x 20', down to 9' x 18'?

**MAYOR HILL:** I make that motion.

**MR. SHAFFER:** I'll second.

**MR. RECH:** All right, Mayor Hill made a motion. Mr. Shaffer seconded -- other comments?

June 8, 2020

**MAYOR HILL:** Yeah, you know, due to the fact that this is only running six (6) to eight (8) weeks on weekends, it shouldn't be that big of an issue.

**MR. RECH:** All right.

**MS. BORDNER:** And I think, Mayor, that really what they are trying to do is to keep the cars on their property.

In the past, as I said, it's been on Martin Milner's property. We've had Dairy Queen. It's been -- sometimes across the street at Momentum Dance. Mr. Alan Tura and Ms. Currier-Queen are aware of that, and they don't want that to happen. That could cause accidents and concerns. They wanted to stay on their property.

**MR. RECH:** Okay, thank you -- any other comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** Okay.

**MS. BORDNER:** Should I do roll call?

**MR. RECH:** Yes.

**MS. BORDNER:** Yes, sir -- Don Reider?

**MR. REIDER:** Yes.

**MS. BORDNER:** Richard Rook?

**MR. ROOK:** Yes.

**MS. BORDNER:** Bob Shaffer?

**MR. SHAFFER:** Yes.

**MS. BORDNER:** Arno Hill?

**MAYOR HILL:** Yes.

**MS. BORDNER:** Tim Rech?

**MR. RECH:** Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED)

**MR. RECH:** Okay. So we're going to ask, now, for a motion for Site Plan approval for the Fear Forest. And Kellie, do you want to read in the extra --

**MS. BORDNER:** Yes, so this would be a motion for Site Plan approval, based upon the following conditions:

1. That all concerns stated by the Village Engineer, Jeff Smith, be addressed.
2. That any outstanding or future Ohio EPA and/or U.S. Army Corp of Engineers or other required Agency Permits or Approvals related to this development, be provided to the Lordstown Planning and Zoning Office.
3. Final written BPA determination, relative to sanitary sewer for or related to this development, be provided to the Lordstown Planning and Zoning Office within thirty (30) days.
4. Any changes in developmental, structural, and/or civil site plans be provided to the Lordstown Planning and Zoning Office and Village Engineer.
5. The landscaping barrier that was originally 230 feet, will now include an additional 420 feet of landscape berm, which is 8-foot high dirt, and 4-foot high trees on top.

**MR. RECH:** I believe you got them.

**MS. BORDNER:** Did I miss anything?

**MR. RECH:** I don't believe so -- everybody good?

Village of Lordstown Planning Commission

June 8, 2020

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** Okay, is there a motion for Site Plan Review with these five (5) stipulations for approval -- Mr. Reider?

**MR. REIDER:** I make that motion.

**MR. RECH:** Is there a second?

**MR. ROOK:** Second.

**MR. RECH:** Mr. Rook, okay -- any additional comments?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**MR. RECH:** Hearing none, roll call?

**MS. BORDNER:** Yes, sir -- Richard Rook?

**MR. ROOK:** Yes.

**MS. BORDNER:** Bob Shaffer?

**MR. SHAFFER:** Yes.

**MS. BORDNER:** Arno Hill?

**MAYOR HILL:** Yes.

**MS. BORDNER:** Tim Rech?

**MR. RECH:** Yes.

**MS. BORDNER:** Don Reider?

**MR. REIDER:** Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**MR. RECH:** All right, thank you. That passes.

**PUBLIC COMMENTS:**

**MR. RECH:** Okay, so we're almost there, guys -- any additional public comments? If so, please be brief -- any additional?

**MR. LARRY TURA:** I just wanted to say thank you.

**MEMBER COMMENTS:**

**MR. RECH:** All right, thank you. Any additional member comments this evening -- anything else?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

**ADJOURNMENT:**

**MR. RECH:** Motion for adjournment?

**MAYOR HILL:** So moved.

**MR. RECH:** Mayor Hill -- second?

**MR. REIDER:** Second.

**MR. RECH:** Mr. Reider -- all in favor, "aye".

**MR. ROOK:** Aye.

**MR. SHAFFER:** Aye.

Village of Lordstown Planning Commission

June 8, 2020

**MR. REIDER:** Aye.

**MAYOR HILL:** Aye.

**MR. RECH:** Aye.

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

**MR. RECH:** All right, we're done, thank you.

(WHEREUPON, THE ZOOM CONFERENCE MEETING, BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTER, CONCLUDED AT 8:20 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner  
Planning & Zoning Administrator

Tim Rech  
Chairperson