

# RECORD OF PROCEEDINGS

Minutes of

## MADISON TOWNSHIP ZONING COMMISSION REGULAR MEETING MINUTES

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Monday, December 20, 2021 7:00 p.m. 20

The Madison Township Zoning Commission Meeting was called to order at 6:58 p.m. by Chairman Wisniewski, with the following people present: Mr. R. Rothlisberger, Ms. A. Wisniewski, Mr. J. Mr. Hyrne, Mr. B. Diak, and Mr. J. Witt. Mrs. M. Howell was present as Zoning Inspector. Mr. M. Ungers, Assistant Zoning Inspector, was absent.

Chairman Wisniewski requested a motion to approve the minutes from the October 4, 2021 Meeting.

A motion was presented by Mr. Diak to approve the minutes from the October 4, 2021 Meeting, seconded by Mr. Rothlisberger.

Roll Call: Mr. Rothlisberger: Yes Ms. Wisniewski: Yes  
Mr. Hyrne: Yes Mr. Diak: Yes

Mr. Witt abstained due to the fact that he was absent from the October 4, 2021 meeting.

Mrs. Howell informed the Board that she believes there is a “typo” in the Parking Requirements Section, Section 127. The Board reviewed and agreed that there is a typo in Section 127.5, Manufacturing/Warehousing should be bold and numbered 127.5.6. Mrs. Howell stated that she will make the correction to Section 127.5.

Mrs. Howell informed the Board that she has provided them with a copy of The News-Herald article from the Trustees’ Special Meeting from November 17, 2021, when they adopted Resolution #21-124 imposing a six (6) month moratorium allowing no approvals or permits to be issued for any Medical Marijuana Cultivators, Processors, or Retail Dispensaries, and a timeline for Medical Marijuana discussions through the past several years. Mrs. Howell reminded the Board that in 2016, Ohio Revised Code (ORC) Section 519.21 (D) allowed townships to prohibit or limit the number of Medical Marijuana Cultivators, Processors, or Retail Dispensaries. Mrs. Howell stated for the record, that in September of that year, Chris Bernard sent an email to Mr. Frank Walland, Zoning Inspector, Tim Brown, Ken Gauntner and Michelle Howell giving them a heads-up about the passage of House Bill (HB) 523 Medical Marijuana. She stated that at a ZC Meeting on June 12, 2017, Mr. Walland informed the Board of a Zoning Workshop he had attended and had learned about HB 523, which became effective September 8, 2016 and he suggested that the Board begin crafting language if they wished to prohibit Medical Marijuana in any way. Mrs. Howell reminded the Board that they had decided to do nothing at that time and that Mr. Gauntner was present for the meeting for the rezoning of Laurentia. She also informed the Board that Mr. Walland was present for the Trustees’ Meeting on June 13, 2017 and provided the same information and suggestions to the Trustees that evening.

Mrs. Howell added, now fast forward to October 29, 2021. She informed the Board that she had received a couple calls regarding our language for Medical Marijuana Retail Dispensaries. She informed any callers that we had no language on Medical Marijuana and directed them to our Zoning Map, available on our website, to view the business districts where small retail was permitted. Mrs. Howell stated that she informed Mr. Brown of her opinion, they both agreed and she then sent an email to the Trustees giving them a heads-up about the calls and informed them that the State was having a lottery for additional certificates for Medical Marijuana Dispensaries. She explained that multiple emails were exchanged between several people and that Mr. Brown shared Painesville Township’s and Wickliffe’s opinions that they had no regrets and no issues with their experiences with the Medical Marijuana Dispensaries located in their municipalities.

Mrs. Howell informed the Board that on November 14, 2021 her mother passed away and that she was not present for work the following day. She stated that Max Ungers received a Zoning Verification Request on November 15, 2021 and shared it with Mr. Brown, who said he would take care of it. She informed the Board that on November 16, 2021 a Special Trustees Meeting for November 17, 2021 was posted on the website. Mrs. Howell stated that the deadline for the lottery was November 18, 2021. She explained to the Board that she was not able to attend the Trustees Special Meeting due to her mother’s private viewing, which



**RECORD OF PROCEEDINGS**  
**MADISON TOWNSHIP ZONING COMMISSION**  
**REGULAR MEETING MINUTES**

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held Monday, December 20, 2021 at 7:00 p.m.

took place at that time, and Mr. Ungers was not able to attend due to the fact that he was undergoing surgery at the time of the meeting.

Mrs. Howell stated that on November 18, 2021 she read the News-Herald article regarding the Special Meeting and was so bothered by the information in the article that she came to work early the next morning to download a copy of the recording to listen to it at home. She explained to the Board that she was extremely bothered that some of the information stated in the Special Trustees Meeting was not at all accurate. She said the inquiries, starting on October 29<sup>th</sup> were known, and that the article made it seem like the Zoning Department had done something wrong. Mrs. Howell stated that in her opinion the Zoning Department did nothing wrong and that the Trustees knew of our authority to create language way back and did nothing. She also stated that if she had been in the office on November 15<sup>th</sup>, she would have sent the verification request without inquiring with Mr. Brown. She added that the Zoning Department gets Zoning Verification Requests all the time, and in her opinion that was what these individuals were requesting. She continued that the inquirers had to do a lot of homework to narrow down the properties they wanted to enter into the State Lottery with no guarantee they would be picked, and if the Township didn't want anything to do with these types of businesses then language should have been created years ago.

Chairman Wisniowski commented that the Board just had a conversation not too long ago regarding this subject and it was agreed that there was no need to create language. Mr. Diak added that the State of Ohio has very strict guidelines that must be adhered to, so there would be no reason to duplicate the requirements in our Zoning Resolution.

Mrs. Howell informed the Board that the Trustees adopted Resolution #21-131 on December 14, 2021, requesting the Zoning Commission to set a Public Hearing for the proposed text amendments to Sections 101 and 142.4.5 for Medical Marijuana Cultivators, Processors, and Retail Dispensaries. Mrs. Howell informed the Board that the information has been forwarded to Mr. Dave Radachy, Lake County Planning Commission, to place the item on their agenda. Mrs. Howell informed the Board that a Public Hearing would need to be set.

Mrs. Howell requested a motion to set a Public Hearing for January 10, 2022 at 7 p.m. for the proposed text amendments to the Madison Township Zoning Resolution. Mrs. Howell explained to the Board that the Public Hearing on January 10, 2022 will need to be opened and then continued until February 14, 2022, because Mr. Dave Radachy will not have his meeting until January 25, 2022.

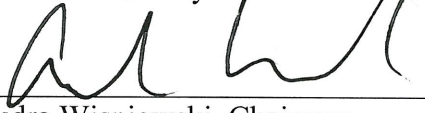
A motion was presented by Mr. Witt to set a Public Hearing for the proposed text amendments for January 10, 2022 at 7:00 p.m., seconded by Mr. Hyrne.

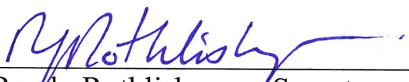
Roll call: All "Ayes."

Mrs. Howell stated that regarding new and old business, Petitti Gardens is looking to build housing for their workers on Hubbard Road, across from the Senior Center. She informed the Board that the original conversations referred to single family dwellings. However, the actual structures are not single-family homes and that Mr. Gary Pasqualone, Township Solicitor, Mr. Ungers, and herself met with Mr. Angelo Petitti and Mr. Joe Allio. She informed the Board that Mr. Petitti and Mr. Allio agreed to update the elevation drawings depicting a more residential feel to the front on the structures, with windows, a porch, and landscaping. Mrs. Howell stated that she verified with the Lake County Building Department and Lake County Stormwater that there are no requirements for these Agricultural Accessory Structures.

There being no further business before the Board, a motion to adjourn the Meeting at 7:14p.m. was presented by Mr. Rothlisberger, seconded by Mr. Diak.

Roll call: All "Ayes."

  
Audra Wisniowski, Chairman

  
Randy Rothlisberger, Secretary