

HAMILTON TOWNSHIP ZONING COMMISSION MEETING
January 10, 2022

The meeting was called to order at 7:00 p.m.

Members present: Dan Riegner
Julie Perelman
Amanda Webb
Brady Hood
Randy Kuvin

Ms. Perelman made a motion with a second from Mr. Hood to approve the Zoning Commission meeting minutes from October 4, 2021.

All in favor. Aye.

Mr. Brodi Conover, attorney with Bricker and Eckler LLP, explained the meeting process and swore in all persons wishing to give testimony during this hearing.

Mr. Conover stated that this hearing is to discuss a major modification to a PUD Stage 1 Sketch Plan for the Villages of Classicway. He next explained the review criteria for the Zoning Commission Board to consider tonight. The applicant is Mr. Joseph Prus. The property owner is Prus Properties, LLC. Legal Notice was published in the January 2, 2022, edition of *The Pulse Journal*. Notice was mailed to all property owners within 200 feet of Parcel E.

The subject property is located off State Route 22/3 between Zoar Road and Morrow Cozaddale Road. The Villages of Classicway is adjacent to Little Miami High School and Little Miami Middle School, across State Route 22/3 from Valley Vineyards. Parcel E is located at the rear of this residential development and will be accessed from Ford Road.

The applicant has requested a revision of the previously approved PUD Stage 1 Sketch Plan that requires a 75-foot buffer for Parcel E. In the original approval, a condition was included by the Board of Trustees that required the buffer between the Valley Vineyards property and the development on the subject property. The buffer would contain two staggered rows of trees and a fence in order to prevent damage to the residential homes. In addition, there was a prohibition on certain pesticides being used on any lot or common open space of Parcel E of the development (as these pesticides may have adverse impacts on grape vines necessary to Valley Vineyards' operations). Because Valley Vineyards no longer utilizes the property adjacent to Parcel E as a vineyard, the applicant seeks the present modification to the approved Sketch Plan to reduce the minimum 75-foot buffer requirement to a minimum 15-foot buffer between the two properties.

This revision was taken before Regional Planning Commission. They voted with 14 yays, 1 abstention, and 0 nays to approve the reduced buffer. Mr. Conover explained that typically staff will give a recommendation for approval or denial, etc. However, attorney's do not typically give those. He did mention that even though a discussion was not had with staff, after putting together

the report and power point, it does appear to be in compliance with the Hamilton Township Zoning Code and the review criteria.

Ms. Perelman asked what the discussion was in reference to the vineyards not being used anymore and if Valley Vineyards has signed off on this?

Mr. Conover explained that Valley Vineyards does still own the property, but he was not aware one way or the other if there were comments made. Valley Vineyards was notified of this hearing and the hearing with RPC as well so they would have had a chance to speak on this matter.

Mr. Riegner invited the applicant to speak.

Mr. Joe Prus stepped to the podium. He represents Prus Properties/Construction. They are the developers for Classicway. A revision was submitted in 2017 and Valley Vineyards has objections at that time because of the Vineyard and the runoff but also the overspray from the grapes. That is when they decided to do the larger buffer. Mr. Schuchter, owner of Valley Vineyards, approached Mr. Prus approximately a year ago stating that they were possibly interested in selling the property as they were no longer going to be using the vineyard. Mr. Prus asked Mr. Schuchter if they would be objected to the change as both of the current builders have requested a different setback because these lots are abnormally oblong. The HOA would like to see the buffer reduced as they will inherit the maintenance of the trees and the fencing. Part of the stipulations from the Regional Planning Commission was to have a letter from the Schuchter's so Mr. Prus provided the Board a copy of that for review.

Mr. Riegner brought up the comment about deed restrictions and pesticides. He asked if there were any concerns with that from a legal view.

Mr. Conover stated that deed restrictions would not as it would be a property-by-property basis.

Ms. Perelman asked if there would be any kind of physical buffer if the reduction was granted?

Mr. Prus stated that they would not disturb the existing tree line, but they would not be installing additional trees to create the buffer.

Mr. Riegner invited those wishing to speak in opposition of the meeting to step forward. Seeing none, he closed the public comment portion of the meeting to begin open deliberations.

Mr. Hood made a motion with a second from Ms. Perelman to approve the request to change the 75-foot buffer to the normal 15-foot buffer.

Roll call as follows:	Dan Riegner	Yes
	Julie Perelman	Yes
	Amanda Webb	Abstain
	Randy Kuvin	Yes
	Brady Hood	Yes

Motion carries.

With no further business to discuss, the meeting is adjourned.

All in favor.