

On March 25, 2015 the Newbury Township Trustees Special Meeting was held in the upstairs meeting room of the Newbury Town Hall. This meeting was held with the Zoning Commission's regular meeting, Jerry Hudak chairman, called the meeting to order at 7:00 p.m. with Margaret Avalon, Mike Nelson, Ed DeIuliis and Jessica Riviera present. The January and February meetings had to be cancelled because all were not available to attend.

Jerry Hudak welcomed the Newbury Trustees, Glen Quigley, Jan Blair and Bill Skomrock, whom he had invited to give direction and clarification to the ZC regarding the Professional Office District and/or a plan to revise the PO district that does not compromise the properties on Munnberry, Great Lakes Cheese and the Sperry Radio Station. Jan Blair introduced Tricia Hajma from the GC Building Dept. who handles permits, licenses, etc. to have her get a better understanding of the zoning process.

Jerry Hudak summarized the Professional Office (PO) background: The Trustees had asked the ZC to work on the PO district 1-1/2 years ago. The ZC decided the entire PO district needed changes as the current property uses were more in line with B-1 and a possible new B-2 district. The ZC must consider all properties in a district – not just one property with a unique existing court case.

The ZC has asked the trustees for the legal background of the Munnberry case to work together to find a possible solution to permit the future business growth of Newbury Twp. In response to Glen Quigley's question, Jerry Hudak stated that no one ever asks to conform to PO standards – most businesses want commercial B-1 or Industrial M-1.

Jerry Hudak commented on recent changes on Rt. 87: Arborware looked better than the new owner's operation. Bill Skomrock noted Kuhnle Bros. bought the old Allied Dealers.

Glen Quigley summarized the status of the Munnberry Dr. property: 5 years ago All Erection Crane (AEC) claimed they were denied due process and the Trustees started over with re-negotiations. The BZA hearing concluded the building was built prior to the extension of the residential Munnberry Oval (MO) development but never should have been built with access off a residential street. The Township proposed AEC could re-locate a new access from Kinsman Rd.- but this was rejected. AEC has always considered this property as industrial.

Mr. Quigley acknowledged that "previous trustees allowed things to happen that should not have". It is now imperative to "protect Munnberry Oval residents". Mr. Quigley said that Chuck Gates, current owner of the old Newbury Cheese property, is happy with the PO zoning as-is.

Margaret Avalon stated that the original owner built an industrial building on a then-zoned commercial property. The MO residents chose to settle the matter in court to protect their property values.

The trustees considered allowing light manufacturing with a rear building access off Rt. 87 and said they would be open to other options as well. AEC wouldn't budge from their original position and tried to bully the trustees.

Margaret Avalon questioned how one court case could determine the zoning for the entire township. Mr. Skomrock said this case sets a precedent. The PO district should be a buffer between commercial and residential but none actually fulfills that purpose.

Glen Quigley stated that if only one property remains as PO it would be considered "spot zoning". Discussion continued regarding the residential stone house on Auburn

Rd. that the BZA granted PO status as a buffer. The radio station status, far back on Sperry, was also questioned – as well as the new Geo-Thermal owner operating as PO.

Glen Quigley cited a similar situation where the BZA had originally allowed Lou Tomsic to operate under a commercial zoning but then later had to revise to industrial status via a costly Judgment entry. Glen said he has confidence in the zoning resolution and stands ready to fix problems as they occur – “can’t undo what’s been done in the past”.

Jerry Hudak said the ZC looked at all other currently zoned PO properties – none operated or conformed to PO standards. Thus the dilemma for the ZC – new ideas are needed to implement this non-performing district. Glen suggested the ZC confer with Dave Dietrich of the Planning Commission.

Margaret Avalon proposed a problem: if an owner wants to sell his property for the current grand-fathered business use but can’t because the zoning doesn’t comply - none are operating under PO – must he then hire an attorney to sue the township? She offered a revised B-1 and new B-2 standards for some current PO properties. Jerry Hudak said “return the stone house on Auburn Rd. back to R-1 status”.

Glen Quigley said AEC had several offers to sell to businesses within the PO standards but turned them all down.

Jerry then asked advice on how to present the complete zoning resolution changes presently nearing completion. Discussion dismissed presenting just “typo-grammar-punctuation” changes as unworkable. Bill Skomrock opinioned “somebody is trying to earn their paycheck”.

Jerry Hudak reminded the trustees that their ZC appointments need to be updated. Margaret Avalon questioned whether she was an alternate or permanent appointee. Jan Blair responded – permanent.

Jerry thanked the trustees for their input, for attending this ZC meeting and welcomed them to any and all future meetings.

Jerry then presented Mike Joyce’s comments and suggestions regarding alternate energy generators and asked the board to consider them for the next meeting. Ed Deluliis presented a resolution regarding Junk Vehicles (JV) by the Hambden trustees (from the ORC) and asked the trustees to request the prosecutor’s opinion to incorporate this into our NZC. He commented on the ZI checking on garage sales that produce no revenue versus going after the ever-expanding Junk Vehicle accumulation in the township. Glen Quigley acknowledged the state had cut township funding by 25% and there are no funds to pursue JV at this time.

With no further business on the agenda, Margaret Avalon moved to adjourn the meeting, Mike Nelson seconded the motion that passed by unanimous vote at 8:45 p.m.

Minutes taken by Marge Hrabak

Glen Quigley, Chair

Bill Skomrock, Vice Chair

Jan Blair

ABSENT
Marcia Mansfield –Fiscal Officer