

On March 22, 2017 the Newbury Township Zoning Commission (ZC) held their regularly scheduled monthly meeting at the Newbury Town Hall. Jerry Hudak chairman, called the meeting to order at 7:00 p.m. with Mike Nelson, Steve Boughner, Trica Hajma and Ed DeIuliis present.

Jerry Hudak asked if there were any changes or revisions to be made to the Feb. 22, 2017 minutes. Ed DeIuliis moved to approve the minutes as presented, Mike Nelson seconded the minutes that passed by unanimous vote.

The chairman presented the Planning Commission's review (done with Glen Quigley) updating the ZC changes proposed revisions to the NZC.

The chairman welcomed Lou Tomsic, the BZA representative and Kate Jacob, the Prosecutor's representative to this meeting.

Mike Nelson explained that the ZC acceptance of solar panels had been side tracked 6 to 12 months by the need to review the complete list of changes prior to any amendments. The ZC had requested guidance on the best way for trustees to review revisions prior to sending the complete list to the Planning Commission as piecemeal revisions create problems in later Section statutes.

Mike Nelson showed the revision changes to Kate Jacob and asked the best way to proceed with trustee reviews of 1 or 2 sections at a time. Discussion continued regarding ZC voted on changes but never enacted revisions due to the lengthy entity involved.

Kate responded – if the text were broken up she would interface. She suggested sending 1 or 2 Sections for trustee review, then holding all till complete before sending to the Planning Commission for consideration and start of the official amendment process. Mike Nelson confirmed the trustees have seen all the Planning Commission's reviews.

Lou Tomsic also reviewed Mike Joyce's current enforcement problems and the ongoing system abuses. Jerry Hudak said many of the ZC proposed changes would widen the scope of uses to allow more Conditional Uses. Kate Jacob suggested the ZC broaden the definitions to allow more generalized subject leeway. Lou Tomsic confirmed that today's rules specify "if it is not listed it is prohibited".

Jerry Hudak then said he believed the current handling of **judgement entrys** was wrong – now referred to as "the Newbury way". Lou Tomsic illustrated the BZA's latest predicament when a Use Variance would have been appropriate for substitution of a building on a presently existing parking lot.

On the subject of medical marijuana use, Kate Jacob offered that both Troy and Russell Townships have enacted marijuana zoning ordinances.

Jerry Hudak reviewed some long standing questions and answers:
How many townships have pending court actions – Russell has none, Newbury 4,

Is R-1 permitted in all districts – seen as good but questions if in Professional Office, Karen Endres is the full time Zoning Inspector in Bainbridge, now sits on Newbury BZA, is this a conflict of interest? – Kate Jacob said no but she could recuse herself if needed.

Kate offered to stop in anytime to answer Newbury questions as this is on her way home.

Ed DeIuliis asked if the junk car statute covers boats on trailers. He complained that others see violations with no enforcement actions taken. Kate suggested filing “motion for due cause”. Lou Tomsic said that with Mike Joyce being a 20 hour/week Zoning Inspector, there is inadequate time to force “teeth in the law”. Ed DeIuliis said the trustees shy away from junk-yards “afraid of law suits”. Kate Jacob explained that Roberta Ann was not properly served, then found unable to represent herself in court.

Mike Nelson moved to send 1 Article per meeting (2 per month) for trustee reviews and/or comments; Jerry Hudak seconded the motion that passed by unanimous vote.

Jerry Hudak asked Kate Jacob if all townships are working on marijuana zoning – not all. Their options are act, deny or do nothing. Newbury could wait to specifically deny until submitting entire review changes.

Jerry Hudak said he would ask Glen Quigley to appoint 2 alternates for Jessica and Margaret who have asked to resign for personal reasons. Jerry recommended that prospective alternate candidates come to our ZC meetings for indoctrination. Lou Tomsic agreed with the previous logic/progression of serving first on the ZC, then updating to the BZA was one that Glen also approved.

Jerry Hudak said the next regularly scheduled ZC meeting would be scheduled for April 26, 2017. Kate Jacob said she plans to attend.

Mike Nelson moved to adjourn the meeting, Steve Boughner seconded the motion that passed by unanimous vote at 8:15 p.m. Signatures of the Zoning Commission:

Jerry Hudak, Chairperson

Mike Nelson, V. Chair

Margaret Avalon, 1st alt.

Steve Boughner

Ed DeIuliis

Tricia Hajma, 2nd alt.

Attest: Marge Hrabak, Sec’y, date: