

DATE: May 6, 2025

APPROVED BY: Rhea Benton, Secretary

LAKE COUNTY



MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

March 25, 2025

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission; and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

The following members answered roll call and were present at 105 Main Street, Painesville Ohio: Messrs. Bernard (Alt. for Brotzman), Phares (Alt. for Regovich), Schreiber (Alt. for Siegel), Reppert, Valentic, Varga, and Veselko (Chair) and Mmes. Cossick and Kurt.

Planning Commission Officers present were: Secretary Benton.

Planning and Community Development Staff present were: Mr. Radachy (Director), Ms. Ciancibello (Planner), and Mrs. Andrews (Recording Secretary).

Visitors present: Hannah Cohan, Triban Investments, LLC (Topic of Interest: Grey Hawk Landing); Rick Lundstrom, Triban Investments, LLC (Topic of Interest: Grey Hawk Landing); Paul Mihalik, Wellworker, LLC (Topic of Interest: Grey Hawk Landing); and Jeanette Veselko.

CALL TO ORDER

Chairman Veselko called the meeting to order at 5:27 P.M.

ROLL CALL

Roll call was taken. There were seven (7) voting members present. There was a quorum.

MINUTES

Mr. Varga moved and Mr. Schreiber seconded the motion to approve the February 25, 2025 Minutes as written.

Three (3) voted "Aye."
Four (4) abstained
Motion passes.

FINANCIAL REPORT

Mr. Radachy reported that expenses for the month of February included costs associated with Contracts/Services, Advertising/Printing, and Postage. He reported that revenue for the month of February 2025 was \$600 in lot split fees. Mr. Radachy reported that the revenue thus far for 2025 is \$750.

Mr. Reppert noted that the Financial Report in the packet states that Total Revenues for the Month is shown as \$150 rather than \$600.

Mr. Radachy stated that he made an error in the report, and the Total Revenue for the Month should be \$600 as Mr. Reppert noted.

Mr. Reppert moved and Ms. Cossick seconded the motion to approve the February 2025 Financial Report, as amended.

All voted "Aye."
Motion passes.

PUBLIC COMMENT

There was no Public Comment.

LEGAL REPORT

There was no Legal Report.

DIRECTOR'S REPORT

Mr. Radachy reported on the following matters:

- Acceptance of Carter Road Center Line
 - Staff assisting Lake County Engineer with this project
 - The original road records were from the early 1800's (included in Road Record Volume 1, Page(s) 30-34 (1819) as part of a description of S.R. 86, Carter, Paine, Blair and Ford Roads) and an alteration located at S.R. 86 in Volume 1, Page(s) 273-275 (1839). No monumentation was found from the original Road Records.
 - In 1927, the Engineer's office completed a survey of Carter. The survey was never filed.
 - In 1949 or so a State-funded road improvement was conducted where new alignment monuments were set. The centerline was never filed.

- In 2016 and 2018, Wes Edwards and Mike West surveyed the road for the latest road improvements locating most of the 1949 monuments. Monument boxes were set by the contractor's surveyor at the found locations.
- In 2022 and 2023, John Jansky (County Surveyor) and Mike West expanded the survey by locating side line monuments along Carter, Paine, S.R. 86 and Vrooman. They also re-observed the existing monument box locations to ensure the centerline made the most sense.
- The Lake County Engineer located the alignment which has been in use for approximately 76 years. The plat will make it of record and setting up a proper survey record for Carter Road.
- Leroy Township Comprehensive Plan
 - Being viewed by the Public and comments are being taken
 - Comprehensive plan will be on the Planning Commission Agenda
 - Planning Commission needs to accept the Leroy Township Comprehensive Plan as the document it will use on which to base recommendations
- Coastal Resilience Plan
 - Assisting Lake County Soil and Water Conservation District with obtaining a consultant
- Lake County Comprehensive Plan
 - Vision 2050 Contract accepted by the Commissioners
 - Working with Envision Planning from Cleveland
- NEO Planning and Zoning Workshop
 - Currently recruiting speakers

ANNOUNCEMENTS

Ms. Benton reported that the first public hearing for the Lake County Community Development Block Grant (CDBG) Program and the HOME Investment Partnership Program funding will be held tomorrow at 3:00 PM in the same conference room that the Planning Commission is meeting this evening. She noted that this is federal funding for community development projects/activities for Fiscal Year 2025 beginning in October. Ms. Benton stated that the first public hearing will inform the public about the funding available, the types of projects/activities that can be funded, and the open application period. She noted that if Board

members would like to attend the public hearing to please contact her for information packages on both programs.

Mr. Radachy stated that the public hearing can be viewed live online as well, and he will send the link to the Board members if they would rather attend virtually.

SUBDIVISION REVIEW

Painesville Township – Grey Hawk Landing Final Plat and Improvement Plans

Mr. Radachy presented the Grey Hawk Landing Final Plat and Improvement Plans. Triban Investments is the Developer and Polaris Engineering and Surveying is the Engineer/Surveyor. He noted that the subdivision is located in Painesville Township and consists of sixty-nine (69) sublots, with an average lot size of 1,224.47 square feet, on 10.55 acres of land. Mr. Radachy stated that the site is zoned R-4 (Multi-Dwelling), land to the north is zoned I-2 (Heavy Industry), land to the south is zoned R-4 and R-3 (Duplex), land to the east is zoned R-3 and R-1 (Single Family), and land to the west is zoned R-1. He noted that there is 8.33 acres of open space. Mr. Radachy stated that this subdivision utilizes the fee simple single family regulations approved by Painesville Township. He stated that the lots initially did not meet the minimum lot size of 1,680 square feet with a 20-foot frontage. Mr. Radachy stated that, since the Preliminary Plan was approved by the Lake County Planning Commission, Painesville Township has changed its minimum lot size requirement from 1,680 square feet to 1,224 square feet so the lots now meet the minimum lot size requirements. He noted that there is an existing gas well and a detention pond on the property.

Below are the proposed stipulations and comments submitted:

FINAL PLAT STIPULATIONS

1. Change Lake County Planning Commission signature line to Rhea Benton, Secretary.
Lake County Planning
2. Please label Harrier Court on Final Plat. *Lake County Planning*
3. A new gas lease for the gas equipment needs to be established. *Lake County Planning*
4. Access easements to the gas equipment and the well head need to be dedicated ahead of the plat or as part of the plat. *Lake County Planning*
5. The land owner, the developer and the owner of the gas well need to come to agreement on moving the gas equipment and providing access. This plat and plans will need to reflect that agreement. This may include but not limited to:
 - a. Access easement from Bacon Road to gas equipment must be dedicated ahead of the plat or part of the plat. *Lake County Planning*

- b. Easement for the location of the pipe(s) taking the gas from the well head to the gas equipment needs to be on the plat. *Lake County Planning*
- c. If there are transmission lines from the gas equipment to the Enbridge East Ohio gas network, then those need to be an easement. *Lake County Planning*
- d. Gas Lease Volume 24 page 1149 needs to be released before the plat is filed. *Lake County Planning*
- 6. Driveway easements from the sublots to Blocks "A" and "B" where the driveways cross the open space block will be required. *Lake County Planning*
- 7. Name the open space as either "Open Space Block," Open Space Block A," or "Block C." Staff prefers "Block C." *Lake County Planning*
- 8. Delete plat language regarding easements to the commissioners. *Lake County Utilities*
- 9. Delete the signature block for Sanitary Engineer. This is a private improvement. *Lake County Utilities*
- 10. Show the utility easement. The current description of the utility easement places it on the sublots adjacent to the access block. This creates gaps where it crosses into the open space and the buildings have zero front setback, so there may not be room for the utility easement. Information provided to the Lake County Planning Commission had the gas, electric, telephone and cable in the access easement. Please let us know where the utility easement is located. *Lake County Planning*

FINAL PLAT COMMENTS

- 1. Utilities Department is concerned with abandoning the existing sanitary sewers installed during the improvement to the south. Access to the property will be required via easement or agreement. Additional comments will be made when a submittal is received. *Lake County Utilities*
- 2. You may want to consider phasing this project/Red Hawk Way could be Phase 1 and Harrier and Kestrel could be Phase 2. *Lake County Planning*
- 3. Why are you naming the subdivision Grey Hawk Landing and using Red Hawk as a street name? *Lake County Planning*

IMPROVEMENT PLAN STIPULATIONS

- 1. "Easement" is not necessary on the block names and cul-de-sac distances. *Lake County Planning*

2. The land owner, the developer and the owner of the gas well need to come to agreement on moving the gas equipment and providing access. This plat and plans will need to reflect that agreement. This may include but not limited to:
 - a. Show the gas lines from the well head to the gas equipment. *Lake County Planning*
 - b. Show the gas transmission lines from the gas equipment to the Enbridge network if they exist. *Lake County Planning*
 - c. If the transmission lines or the gas lines from the well head go under a road, they must be sleeved. *Lake County Planning*
3. Painesville Township requests to review the proposed landscape plans for the entryway of the development. *Painesville Township*
4. The Township has noted that some driveways appear short and would like confirmation that they meet the minimum length required to accommodate a vehicle. *Painesville Township*
5. Update county engineer information on the title sheet. *Lake County Stormwater*
6. Site's stormwater to meet County Detention Standards and OEPA Water Quality design requirements. *Lake County Stormwater*
7. Provide a copy of the Stormwater Management Report for review. *Lake County Stormwater*
8. Storm sewers to meet County conveyance standards. *Lake County Stormwater*
9. Storm laterals to be sized appropriately to handle downspouts and sump discharges. *Lake County Stormwater*
10. The proposed height of the emergency spillway would allow the roadway inlets to surcharge prior to the emergency spillway being accessed which could flood the road. Please evaluate alternative ways for the basin to have an emergency overflow without flooding the roadways. *Lake County Stormwater*
11. Consider McKinley Creek Trailwater effects on pond discharge in Stormwater Management Report. *Lake County Stormwater*
12. Include all pertinent SWPPP information required by the NPDES Stormwater Construction General Permit. *Lake County Stormwater*
13. On Page 12, CB #13 should be CB #12 and have a rim height of 633.41 as listed on the roadway profile sheet. *Lake County Stormwater*

14. Contact person for Lake County Engineers on Utility Note Page 2 shall be Alan L. Exley, PE PS. *Lake County Engineer*
15. Contractor is required to obtain a Right-of-Way Usage permit for work within the Right-of-Way of Bacon Road. The form is on the Lake County Engineer website. Submit completed form to the LCE office Attn: Ken Seitz, Resident Engineer. A bond will be set prior to permit issuance. *Lake County Engineer*
16. Open cuts on county roads are generally not permitted unless absolutely necessary. With the proposed SAS manhole being in Duffton Lane turnout and tie-in would be 10' +/- deep, this would sufficiently justify an open cut. Please provide a detailed open cut trench detail for Bacon Road including mean and methods, replacement materials, and pavement section. Show limits of disturbance to Bacon Road and Duffton Lane turnout on Plan View Page 6 of 22. *Lake County Engineer*
17. Provide a Traffic Control Plan including staged construction plan for the open cut detail on Bacon Road. *Lake County Engineer*
18. At no time shall Bacon Road be closed to traffic, and a detour using Township Roads **will not** be permitted. *Lake County Engineer*
19. The open cut on Kirtstone Terrace is contingent on passage of a resolution by the Painesville Township Trustees accepting an open cut on a Township Road. If approved, the Trustees require a right-of-way usage permit with bond set prior to issuance. If the open cut on Kirtstone Terrace is approved, concrete pavement will be replaced joint to joint (no patches). A detailed open cut trench detail shall be provided for Kirtstone Terrace including means and methods, replacement materials, and pavement section. Show limits of disturbance to Kirtstone Terrace on Plan View Page 9. *Lake County Engineer*
20. Provide a Traffic Control Plan including staged construction plan for the open cut detail on Kirtstone Terrace Road. *Lake County Engineer*
21. At no time shall Kirtstone Terrace be closed or blocked to traffic. *Lake County Engineer*
22. Provide turnout details for Bacon Road/Kestrel Way and Kirtstone Terrace/Red Hawk Way. *Lake County Engineer*

IMPROVEMENT PLAN COMMENTS

1. Open space needs to be put into a block. *Lake County Planning*
2. Several townhomes are at the building setback limit, which would prevent future deck additions. However, the township is open to the installation of concrete pads instead. If a detailed list of affected units is needed, please inquire. *Painesville Township*

- a. Due to the riparian setback, Buildings 2, 3 and 4 may not be able to have decks in the rear of the building. *Lake County Planning*
3. Painesville Township Trustees strongly recommend planting 6-10 ft. giant arborvitaes around the gas well tanks to minimize their visual impact on adjacent properties. *Painesville Township*
4. Consider offsite runoff and flow from the Tiberon condos in overall stormwater management design. *Lake County Stormwater*
5. Can another structure be added on the outlet pipe from the pond behind Building 6 to pick up drainage from the Tiberon condos? *Lake County Stormwater*
6. Does the outlet pipe from STM MH#1 to the stormwater pond provide enough space between the building for future maintenance as well as safe distance from building foundation? *Lake County Stormwater*
7. Is there adequate space between the 15" storm sewer from the STM #31 to the outlet and the foundation of Building 2 for future maintenance. *Lake County Stormwater*
8. Is there adequate space between the 6" storm sewer between cleanouts and the foundation of Building 1 for future maintenance? *Lake County Stormwater*
9. Recommend adding a standard detail for sump pumps with an external overflow wye outside the foundation onto improvement plans. *Lake County Stormwater*
10. Is there any concern with the depth of cover over the pipe from CB #12 to CB #11? *Lake County Stormwater*
11. What material will the gravel access drive be? Please coordinate the gravel access drive and right of way impacts with the Lake County Engineer. *Lake County Stormwater*
12. Be sure to maintain positive drainage along the rear of 1955 Kirtstone Trail's property line when the pond embankment is constructed. *Lake County Stormwater*
13. Highly recommend no utilities under drives, understanding there is limited room, maintenance on these utilities will cause added disruption and cost to the residents. *Lake County Engineer*
14. Lake County Engineer is concerned about the integrity of Bacon Road and Kirtstone Terrace. *Lake County Engineer*

Staff recommends approval of the Painesville Township – Grey Hawk Landing Final Plat and Improvement Plans, with the incorporation of all stipulations and comments.

BOARD/PUBLIC COMMENTS

Mr. Valentic inquired as to whether the patios would be located within the riparian setback noting that this is likely against standard riparian setback regulations.

Mr. Radachy stated that the patios would be located within the riparian setback, but zoning allows for this because they are flat and not considered a building element. He confirmed Mr. Valentic's statement that this is contrary to standard riparian setback regulations.

Mr. Varga commented that the patio would have to be a grade. He noted that someone could have a concrete patio raised almost to the first floor of the home, which would likely be in violation of zoning.

Mr. Radachy confirmed that raising a concrete patio flush with the first floor of the home would be in violation of zoning.

Mr. Varga noted that it appears the corners of Sublots 18 and 30 are over the setback line.

Mr. Radachy stated that they are not over the setback line. He noted that the purple line shown on the diagram is not the setback line as there is zero frontage.

Mr. Varga commented that the line takes that shape as a result of no frontage.

Mr. Radachy concurred with Mr. Varga's comment.

Mr. Valentic inquired as to whether they could build units that close to the riparian setback without actually going into the riparian zone.

Mr. Radachy stated that the developer was granted a variance by Painesville Township of 35 feet for buildings but not for the decks. He noted that the developer will sell these units, and if the homeowner wishes to build a deck later on they will need to obtain a variance from Painesville Township.

Mr. Schreiber inquired as to whether it will be stipulated in the sale of the impacted units that a variance from Painesville Township will be required to build a deck.

Mr. Radachy stated that it is unclear at this time whether there will be any stipulation to that effect during the sale of the impacted units.

Mr. Schreiber stated that this could be a pretty big deal if a property owner wants to put up a deck later and finds out they have to get a variance.

Mr. Reppert agreed that it should be stipulated in the sale of the impacted units that a variance from Painesville Township will be required to build a deck, especially given the fact that neighbors across the street have decks without doing a thing.

Mr. Radachy stated that, the developer, when making their case to Painesville Township for the variance for the buildings, stated that a 75-foot riparian setback is for a watershed that is greater than one square mile. He noted that the developer had a surveyor perform a survey of the watershed. Mr. Radachy stated that the survey of the watershed determined that the area where the property is located along the stream and draining is about half a square mile. He stated that the developer argued that the 75-foot riparian setback was too great, and Painesville Township allowed them to reduce the setback. Mr. Radachy noted that the "stream" is not a traditional meandering stream but a long, straight ditch. He stated that Lake County Soil and Water Conservation District agreed that a 75-foot riparian setback is not necessary in this case but did not want to go less than 35 feet. Mr. Radachy stated that the Board can add a Comment stating that the deed for the impacted units will need to include language that building a deck requires a variance from Painesville Township.

Mr. Reppert inquired as to whether the gas line from the well head to the tanks runs through another development.

Mr. Radachy stated that this information has not been clearly defined by the developer at this juncture. He noted that the developer is being required by the Planning Commission to identify the location of the well head, existing and proposed location of gas lines, existing and proposed location of tanks, and existing and proposed location of tank batteries. Mr. Radachy stated that the developer provided the proposed new location of gas lines, tanks and tank batteries; but information relative to the location of lines going from the well head to the tank and the location of transmission lines was omitted. He stated that this is really a civil matter between the developer and the gas well owner. Mr. Radachy stated that the Planning Commission needs to know the location of the well head and infrastructure so they can be placed in easements. He stated that the property owner needs to know where the gas and transmission lines are located so they are not accidentally damaged during construction, and the gas well owner needs access to his well.

Mr. Reppert inquired as to whether these are the same tanks that were previously discussed.

Mr. Radachy confirmed this to be the case noting that the tanks are being moved to a new location.

Mr. Reppert inquired as to whether the tanks will be located behind the parking lot.

Mr. Radachy stated that the developer would like to move the tanks south to that location. He noted that if the tanks are moved south, a new gas line will need to be constructed which will require an easement. Mr. Radachy stated that an easement for access to the tanks from Bacon Road, an easement for the well head, and an easement along the road should also be put in place. He noted that an agreement needs to be reached between the gas well owner and the developer relative to these matters and release of the lease. Mr. Radachy stated that

representatives from the developer and the owner of the gas well are here this evening if the Board has questions.

Mr. Reppert inquired as to what "if approved" means in some of the stipulations (Improvement Plan Stipulation 19) made by the Lake County Engineer. He inquired as to what happens if it is not approved.

Mr. Radachy stated that Painesville Township would need to approve the matter involving this stipulation because Kirtstone Road is a township road.

Mr. Valentic stated that the developer has to get approval from county agencies as well as the township. He noted that there are still approvals from Painesville Township that are required in the present matter.

Mr. Radachy confirmed this to be the case. He noted that Painesville Township has the right to ask the Lake County Engineer for his recommendations, which he has provided in great detail. Mr. Radachy stated that Painesville Township could go in their own direction and hire their own engineer to come up with a different way or different standard of connecting the road.

Mr. Valentic commented that this was a very thorough review by Lake County Engineer Exley, and that the method by which the Lake County Engineer suggests the road should be connected is likely the proper way to do it.

Mr. Radachy confirmed this to be the case noting that Lake County Engineer Exley even provides an example for the developer.

Mr. Bernard noted that there are about 18 sublots that do not touch the "private drive" block. He inquired as to whether the Planning Commission can ask them to push out to the right-of-way.

Mr. Radachy stated that Final Plat Stipulation No. 6 addresses that issue.

Mr. Bernard noted that perhaps this easement should be platted.

Mr. Radachy noted that both an easement and subplot are difficult to find in the field so the problem would still exist regardless of whether it is subplot or easement.

Mr. Schreiber stated that the subplot will have property pins, and the property owner can use a metal detector to find their property pins. He noted that an easement is not delineated in any manner other than on a plat.

Mr. Radachy stated that the easement is going to be on top of the driveway, so they have a pretty good idea of where that easement is.

Mr. Bernard noted that there will likely be less neighbor situations. He inquired as to how the easement will be written.

Mr. Radachy stated that the easement issue can be worked out. He noted that staff can work with all parties involved to consider either extension of sublots or easements to determine the best outcome for this issue.

Mr. Schreiber noted that Lake County just had a 30" snow event. He noted that the way the sublots are set up it is a matter of opinion of which is the right way to do it.

Mr. Bernard stated that if something is being created from scratch, why add gray if you do not have to.

Mr. Radachy stated that the Lake County Planning Commission can ensure that there is no "gray" as the stipulation addresses the issue.

Mr. Valentic inquired as to whether this issue and the resultant solution will impact any open space requirement.

Mr. Radachy stated that there is no open space requirement for this subdivision. He noted that this property is not zoned PUD. Mr. Radachy stated that there is open space because of the nature of the development, not because it is required.

Mr. Varga inquired as to whether there are any restrictions on future development in the southern area, i.e. the large area behind the houses.

Mr. Radachy stated that the Painesville Township Trustees control building, zoning and open space. He noted that after the development is filed, the open space is transferred to the HOA to own, maintain, and pay property taxes on. Mr. Radachy stated that it happens from time to time that the HOA stops paying property taxes on the open space, at which point the property would be foreclosed upon and go to a Sheriff Sale. He noted that the property can then be purchased by someone with the intent to develop it. Mr. Radachy stated that Painesville Township probably would not allow that property to be developed because it was supposed to be open space for this development. He stated that he cannot say for sure what the Painesville Township Trustees would do in the future.

Mr. Varga inquired as to whether a restriction could be placed on the property.

Mr. Radachy stated that zoning is the ultimate enforcement. He noted that a deed restriction could be placed to prevent anyone from ever developing that portion of the property.

Mr. Schreiber commented that at the last meeting involving this subdivision, the Board requested that all gas lines and other infrastructure be shown on the plat. He stated that it does not look like this has occurred.

Mr. Radachy stated that this information has not been received in its entirety. He noted that this is a minor stipulation though. Mr. Radachy stated that the information can be obtained at a later date. He noted that the developer will be required to submit this information before the subdivision can be recorded.

Mr. Schreiber expressed concern about approving the plat before this information is obtained.

Mr. Radachy stated that the Board can approve the final plat "conditionally" given the stipulations noted. He stated that Mr. Veselko will not sign the plat until all stipulations are met. Mr. Veselko concurred that all stipulations must be met before he will sign off.

Mr. Radachy stated that if the developer does not get the signature of the Planning Commission, the subdivision does not get recorded. He noted that this is the failsafe to ensure that the requested information is received.

Mr. Varga inquired as to what would happen if the information received is not acceptable.

Mr. Radachy stated that if stipulation is not fulfilled he would not move the matter forward for signature of the Planning Commission.

Mr. Schreiber inquired as to whether there is a threshold that would result in the matter coming back before the entire Planning Commission to review, or is the matter entirely in Mr. Radachy's hands at this point.

Mr. Radachy stated that if any of the stipulations require a major modification of the plat, the matter will come back before the Planning Commission. He noted that he does not see that happening in this case.

Mr. Schreiber inquired as to whether the Board could table the matter until the next Planning Commission meeting.

Mr. Radachy noted that the Planning Commission only has thirty (30) days from the date the plat was submitted, twenty-three (23) days ago, to approve the plat. He stated that if the Planning Commission does not approve the plat within the 30-day timeframe, the matter proceeds without comment, and the Planning Commission forfeits its ability to sign off on the plat.

Mr. Varga commented that the Planning Commission can reject the plat as submitted.

Mr. Radachy confirmed this to be the case.

Mr. Schreiber commented that if the Planning Commission rejects the plat, the developer can resubmit it.

Mr. Radachy confirmed this to be the case. He noted that staff, however, is recommending approval with the incorporation of all stipulations and comments.

Mr. Veselko invited those in the gallery to speak on the matter.

Ms. Cohan, Triban Investments, LLC, stated that the developer is comfortable that all the stipulations will be met. She confirmed that the driveway length is 20 feet everywhere, and some are a greater length than 20 feet. Ms. Cohan stated that the developer is not planning to construct

decks on the buildings near the riparian setback but are planning concrete patios at grade. She noted that this information can be put into HOA documents so that anyone who buys there will know.

Mr. Reppert inquired as to whether the developer could reduce the riparian setback from 75 feet to 50 feet so that everyone can construct a deck.

Ms. Cohan stated that the developer already obtained a variance to reduce the riparian setback to 35 feet. She noted that the developer does not plan to request a further reduction.

Mr. Radachy stated that part of the reason the developer requested a variance is because the Planning Commission insisted that they construct cul-de-sacs as opposed to hammerheads. He noted that cul-de-sacs were more important to the township, the fire department and the Planning Commission than the riparian setback.

Mr. Reppert inquired as to whether a further reduction could be stipulated.

Mr. Radachy stated that this is not a subdivision regulation, but we can recommend that the township reduce the riparian setback to between 15-25 feet so that a small deck could be constructed.

Mr. Reppert noted that if they do not reduce the riparian setback, they will likely have some pretty ticked off homeowners as they will not be able to put on a deck.

Ms. Cohan stated that it is the developer's intention to construct patios at grade throughout the development.

Ms. Reppert noted that some property owners will not be able to add a deck over the patio later if they want without getting a variance.

Mr. Schreiber commented that it is probably not going to be the first property owner but the second, third, or fourth owner that may wish to add a deck.

Mr. Veselko noted that the HOA should inform the buyer of the property about the variance requirement should they wish to add a deck.

Mr. Valentic stated that this information should be the responsibility of whoever is selling the units, i.e. the builder of the homes. He expressed concern about whether that information will be delivered to the buyer.

Mr. Lundstrom, Triban Investments, LLC stated that the builder is very aware of the restrictions of these units.

Mr. Reppert expressed concern about this information getting to future buyers as the unit turns over.

Ms. Kurt stated that this information will likely be addressed in the HOA regulations, so future buyers should be made aware of these restrictions through the HOA.

Mr. Mihalik, Wellworker, LLC, stated that he owns the gas well and infrastructure on the property. He thanked the Board for letting him speak on the matter being considered this evening. He read his written comments into the record as follows:

"At the first meeting I attended here on September 24, 2024 (6 months ago), I raised a number of concerns about safety for the homeowners and developing around all gas wells in Lake County and my ability to run my business on this particular property. Today, I am looking for clarity on what is, or will be, decided on. I think it is imperative to get things resolved before the final plan is approved. This is my last line of defense for addressing these issues. Now is the time to get these things into place and figured out. Not afterwards. Maybe this is not the place, or maybe I am in the wrong place, or maybe you can tell me where I can go or who I need to talk with to get my issues addressed. I am willing to do that. If I could just give you a few minutes of history:

- The well on this property is the Tresger #1 and was drilled in 1978 (47 years ago).
- Mr. Tresger drilled 11 more wells after that on various Tresger properties. I acquired all the Tresger wells in 2001 (24 years ago).
- By 2003, Mr. Tresger was no longer involved in the property, and most of it was acquired by developers.
- In May of 2005, a lawsuit (Lake County Courts Case No. 05-CV-00116) was filed against me by Fairway Pines Development (Lake Erie Shores, DeSantis and Triban Investments) challenging my oil and gas lease on those properties. They demanded that I plug my wells and remove my equipment because they were going to build houses. Judge Culotta said that I have a valid lease, I can produce my wells, and a Settlement Agreement was put into place for going forward.
- In 2017, Fairway Pines started the development of the former golf course, which is now 400 homes; and this began my personal crusade of trying to get all developers to develop safely around all gas wells and related equipment. I learned a lot.
- In 2023, Triban approached me about their development plans on this particular property. They stated they needed everything moved. A dispute of who is going to pay for having it moved arose, and lawyers had to get involved. We had the following additional language added to the first Settlement Agreement:
 - 'WHEREAS, additional equipment relocation is required and the Parties agree that future discussions will be entered to facilitate said relocation.
 - NOW, THEREFORE, the Parties witness that in satisfaction and release of their differences, the Parties agree as follows: The Parties acknowledge that Triban desires to have the equipment relocated at a future date to effectuate its development plans on the property. Wellworker agrees to cooperate with Triban

to relocate the equipment for the development but the details of said relocation will be discussed and resolved outside of this Agreement. The Parties further agree that any equipment, pipelines or related facilities which Triban seeks to have Wellworker move or relocate for Triban's planned development on the Property will be undertaken at Triban's sole expense. The parties agree to use good faith efforts to resolve any disputes arising out of said relocation and the costs associated with same.'

Fair enough. I am not trying to stop this. I am just trying to do what we agreed to do. We are supposed to be working this out.

- Sometime around March of 2024, a year ago, Triban approached me and asked me if I would grant them a variance to the Painesville Township Zoning code regarding housing distances to production tanks. I replied to them stating that I literally spent years begging the zoning department to put that into place and that I was not comfortable having my tanks located that close to houses so I said NO. On September 24, 2024, I attended your meeting here and raised my concerns.
- On March 3, 2025 (20 days ago), I sent a registered letter to Triban requesting information regarding their plans and my concerns that were brought up at the September 24th meeting. I never received a response. Below is the text of the letter:

'Dear Triban: I am writing you today to bring to your attention that since the September 24, 2024 meeting with the Lake County Planning Commission, I have not heard anything more from you regarding your development plans around the Tresger #1 gas well and its related equipment, and my Enbridge Gas metering station and pipeline. I would like to move forward with my tap installation into the new pipeline I had installed. I have been anticipating the changes that you have been discussing before I move forward so I do not have to do this a second time. I would also like, in writing, answers to the questions I raised at that meeting:

1. Will the new sales line I had to have installed remain in its location or will you require it to be relocated?
2. Are you planning to move my Enbridge Gas Ohio meter station to a new location? If so, where will it be located?
3. Is the tank battery going to be moved to the location you had indicated in the last plans you gave to me or has that changed?
4. Will any of my pipelines be relocated? If so, can you please provide me a new site plan with the locations of my pipelines and equipment clearly marked?
5. Will you be building new roads over the top of pipelines? If so, will you be placing sleeves and vents at those crossings?

6. Will I, and my needed subcontractors, have 24/7 access to my wells and equipment during your development construction timeframe? Emergency vehicles are also required to have access in case of emergency.
7. Can you please provide me with a current site plan with my equipment and pipelines clearly in the proposed new locations?

I have a contractor scheduled to install the final equipment on the new pipeline in March and get my gas wells turned back into production now that gas prices are at a marketable price. I need to know your plans so I can proceed with my plans.'

I never got a response. A few weeks ago, I was asked by a contractor to locate my lines on the property so the soil testing could be done. I promptly did it. I think you can see a pattern here of the legal history and my concern. So I am here today to find out what is going on around my wells so I can make my plans and move forward, run my business, and try to put things in place to prevent further legal actions; but also to keep things safe for the community. This is high pressure natural gas we are talking about. I want to mitigate my liability here as much as possible. The pipeline going to your house is ounces of pressure, i.e. less than one pound. My gas well has 500 pounds of pressure on it. The pipeline going from the gas well to the tank also has up to 500 pounds of pressure on it.

In my 44 years of working on gas wells and watching our rural areas get turned into developments, I have had interactions with DeSantis at Lake Erie Shores, Triban Investments, Dino Palmarie, Keith Mitchell, George Davis, and Loretto IaFlaice. Sometimes working with them as a consultant, or removing pipelines, installing pipeline sleeves and vents under roads, plugging wells or disconnecting gas lines that run through properties they want to develop. Sometimes I'm fighting against them when gas wells interfere with their plans for development. I have also attended countless zoning meetings, meetings with fire chief's and city law directors; providing a gas well safety class for the Painesville Fire Department; and even sent a few emails to Mr. Radachy about working together with this commission to get some guidelines, zoning or rules in place so we do not have to keep doing these things. There are a lot of gas wells in Lake County. This problem is not going away, and neither am I. My father taught me that you always have to do the right thing, even if it is the hardest thing. We all need to call on our integrity and do the right, safe, and responsible thing here. Let's be more proactive so we do not have to be reactive in the future when someone gets hurt or worse."

Mr. Mihalik noted that he has ten (10) concerns that he is hoping that can be addressed this evening. He stated that he needs clarity as to where this all stands because the gas well and infrastructure is a serious issue. Following are Mr. Mihalik's concerns:

1. Get everything into place and in writing before the final approval is granted.
2. Be sure everything gas well-related is on the plan and where it will be located.
3. Be sure I have enough room for all my production equipment, pipelines, tanks, Enbridge gas meter site, new meter tap and gate valve.

4. Easements or ROW in place and a written understanding with the HOA.
5. Well head access road and room to plug the well in the future.
6. If any pipelines will be under new roads, they need to be sleeved and vented.
7. Full and unrestricted access to the well and tanks 24/7 for me, my contractors, and emergency vehicles.
8. The safety and liability issue with 150-foot variance that was granted (Hudson Zoning).
9. Putting on notice of the HUD or VA financing within the 150-foot limitations. Is this really fair to future home owners to have to know this information?
10. Clarification of my statements in the minutes from September 24, 2024 meeting and a copy of tonight's meeting minutes.

Mr. Mihalik read the following from Page 10 of the October 29, 2024 minutes:

"Mr. Reppert asked for clarification as to whether the connection in the northwest corner to the existing tap for the gas well will remain in that location.

Mr. Lundstrom stated that until they have the layout of the project, it is unclear if the tap will remain in the original location in the northwest corner. He stated he hopes it stays where it is. Mr. Lundstrom stated that they have an agreement with the well owner, and he has access to service his well."

Mr. Mihalik stated that he does not see anywhere on the map being shown this evening, and he has not received anything from Triban Investments of where this new meter tap is going to be. He noted that Dominion requires that the meter tap must be 50 feet from the road. Mr. Mihalik stated that he was here six (6) months ago and still this information is not known.

Mr. Mihalik read the following from Page 7 of the October 29, 2024 minutes:

"Mr. Schreiber stated that relative to the gas well and infrastructure, tank units are shown on the plat; but it does not show where the pipe is going to go. He inquired as to whether the road would still need to be moved because the pipeline being too close to the right-of-way.

Mr. Radachy stated that the detail will be on the improvement plans.

Mr. Schreiber stated that this should be on the plat as this is what the Board requested of the developer at last month's meeting, and it is clearly not noted.

Mr. Radachy stated that the Board could stipulate the location be identified. He stated that the Planning Commission is not privy to the agreement that was made between the developer and Mr. Mihalik."

Mr. Veselko provided Mr. Mihalik with a copy of the Final Plat and Improvement Plans Stipulations and Comments document noting that most of the items Mr. Mihalik is discussing this evening have been addressed in that document.

Mr. Mihalik asked for clarification as to whether he would be required to deal with the HOA on a regular basis.

Mr. Valentic asked for clarification as to what would happen if after Mr. Mihalik's concerns are addressed and it results in changes to the plat.

Mr. Schreiber stated that this is why he inquired as to whether the matter could be tabled until the next meeting.

Mr. Radachy stated, as he mentioned earlier, the matter cannot be tabled this evening. He stated that if the plat changes too much, the plat will be required to be resubmitted. Mr. Radachy stated that if any changes to the plat are minor and all the stipulations and comments are incorporated, he will recommend that the plat be signed. He noted that the key is Mr. Mihalik's lease. Mr. Radachy stated that there is a stipulation that as long as that lease is there, the plat does not get filed.

Ms. Kurt noted that nearly all issues addressed by Mr. Mihalik this evening have been addressed in the stipulations, which is why the Chairman provided the same to Mr. Mihalik. She stated that it is imperative that Mr. Mihalik review this document. Ms. Kurt stated that if the developer does not meet the stipulations, the plat will not go forward. She noted that an agreement between Mr. Mihalik and the developer is referenced in the stipulations; and if that agreement cannot be reached, then the matter will not move forward. Ms. Kurt stated that she understands his frustration because he has a private business he needs to run.

Mr. Radachy stated that after Mr. Mihalik reviews the stipulations document and feels that there is something staff missed, he can contact him to discuss adding it.

Mr. Mihalik stated that he is very concerned about the variance that was approved when a retired fire chief from the City of Mentor attended the Painesville Township Zoning meeting and said that in all his years with the fire department there has never been an issue. He stated that this variance affects 28 houses whereby they will be located closer than 150 feet to his gas well. Mr. Mihalik stated that one house is 10 feet 6 inches from one of his tanks. He stated that if he wanted to move one of his tanks next to a house, the state would tell him NO, so it is unclear how building 28 houses less than 150 feet to a tank can be approved with a variance. Mr. Mihalik expressed grave concern about this variance and inquired as to who will be responsible if something bad happens. He also noted that he needs much more clarity relative to his ability to access his gas well and infrastructure.

Mr. Radachy stated that the Planning Commission is stipulating that all issues between Mr. Mihalik and the developer, including the fact that Mr. Mihalik needs access to his gas flow, be resolved. He stated that it is the responsibility of the two parties, i.e. the property owner and Mr. Mihalik, to come to an agreement. Mr. Radachy stated that all issues between the parties must be resolved completely or the plat will not get recorded.

Mr. Mihalik stated that a 50-foot right-of-way likely will not be big enough for him to be able to position the necessary equipment to plug the well if he has to in the future.

Mr. Radachy stated that whatever size easement Mr. Mihalik requires to be able to access his gas well and/or plug it in the future is the stipulation. He noted that these matters need to be worked out with the property owner prior to the plat being signed by the Chairman.

Mr. Mihalik stated that he has already gone through all of this before with Painesville Township, which is why they put the 150-foot gas well building requirement in their zoning text. He stated that the developer requested a variance from that 150-foot restriction to build a large portion of the subdivision closer than 150 feet to his gas well, they bring in a retired fire chief from Mentor who states that it will be okay to build closer than 150 feet from a gas well, and then Painesville Township overrides their own restriction and grants a variance to the developer to build closer than 150 feet from his gas well.

Mr. Radachy stated that Painesville Township Zoning granted the variance, and the Planning Commission can only go by what the zoning agency says. He noted that the County locates the roads, and the local zoning agency locates the buildings.

Mr. Valentic inquired as to whether the State of Ohio has any regulations regarding the distance from a gas well that a house can be built.

Mr. Mihalik stated that the state restriction is 150 feet.

Mr. Radachy stated that township zoning agencies used to have jurisdiction over new gas wells. He noted that the State of Ohio removed that jurisdiction from townships and gave it to the Ohio Department of Natural Resources (ODNR). Mr. Radachy stated that if someone wanted to drill a new gas well in this exact spot; and these buildings existed, ODNR would reject the request stating that the existing buildings would be too close (closer than 150 feet) of the new gas well. He stated that township zoning has the ability to state that no new house can be built near an existing gas well, and Painesville Township did add language in their zoning text that new houses could not be built closer than 150 feet from an existing gas well.

Mr. Valentic inquired as to whether ODNR has jurisdiction of over how close a new house can be built to an existing gas well.

Mr. Radachy stated that the jurisdiction rests with the township zoning agencies as ODNR has no jurisdiction regarding existing gas wells.

Ms. Cohan stated that ODNR has no restrictions regarding the distance of a new house from an existing gas well.

Mr. Radachy stated that Painesville Township Zoning made the rule of no new house can be constructed within 150 feet of an existing gas well, but they allowed a variance on this development.

Mr. Mihalik inquired as to whether there is somewhere else he needs to go or someone else he need to talk with.

Mr. Radachy stated that the Planning Commission is stipulating that an agreement needs to be reached between the property owner and Mr. Mihalik regarding several things, to include access to his well and infrastructure via easements and the lease. He noted that the stipulations must be met, or the plat will not be recorded.

Mr. Schreiber commented that, since the Planning Commission cannot table the matter, if the Planning Commission does not approve the plat this evening, the developer should be able to resubmit the plat with modifications.

Mr. Radachy confirmed this to be the case.

Ms. Kurt stated that the stipulations are conditions that must be met. She noted that the developer is willing to work through them. Ms. Kurt stated that if the conditions outlined in the stipulations are not met by the developer, the matter does not go any further.

Mr. Schreiber expressed concern that Mr. Mihalik had not seen any of the plans being presented this evening. He noted that he was told he cannot give out any packet information.

Mr. Radachy stated that any board member can give out packet information, with the exception of the Minutes as they are not yet official until they are approved by the Board.

Mr. Schreiber asked if Mr. Mihalik could get a copy of the draft Minutes as he might have changes.

Mr. Veselko stated that he has given a copy of the Final Plat Stipulations to Mr. Mihalik.

Mr. Schreiber stated that Mr. Mihalik has not seen the Final Plat Stipulations until this evening.

Mr. Veselko stated that Mr. Mihalik is receiving this information at the same time the Board is, i.e. no one on the Board has seen the Final Plat Stipulations until the meeting this evening.

Mr. Schreiber stated that there may be more stipulations. He expressed concern that Mr. Mihalik has not had time to review and provide comment on the stipulations other than what he has spoken about this evening.

Mr. Valentic stated that the stipulations do not detail everything that Mr. Mihalik wants done, and it needs to be worked out between the parties. He noted that what the stipulations require is that both parties need to agree before this plat will go forward in the process. Mr. Valentic stated that if there is NO agreement between the parties, the Chairman will not sign the plans and the development will not go forward.

Mr. Veselko read the stipulations document in its entirety (as referenced above on Page 4-8).

Mr. Schreiber stated that he does not believe the correct wording was used in Final Plat Stipulation No. 3. He stated that it should be "easement" rather than "lease."

Mr. Radachy stated it is referred to as a lease on the plat and can be referred to as either in this case. He noted that he will change Final Plat Stipulation No. 3 to read "lease/easement."

Mr. Schreiber inquired as to whether another stipulation could be added that would grant Mr. Mihalik access to his well and infrastructure during construction of the development.

Mr. Radachy stated that a stipulation to this effect could be added.

Mr. Schreiber again inquired as to whether the matter could be tabled this evening.

Mr. Radachy stated that the matter could not be tabled due to the 30-day deadline.

Mr. Schreiber inquired as to whether the matter could be tabled if Triban Investments, LLC requested that it be tabled this evening.

Mr. Radachy stated that Triban Investments, LLC can request that the Planning Commission table the matter this evening.

Mr. Varga inquired as to how many days are remaining in the 30-day time period.

Mr. Radachy replied that there are seven (7) days remaining.

Mr. Varga inquired as to how much information can be attained in a week.

Mr. Radachy stated that it is unclear how much information could be attained in a week as there are other parties involved.

Mr. Varga stated that Mr. Mihalik needs to be able to maintain his oil and gas operation during construction. He agreed with Mr. Schreiber's request to add a stipulation in that regard.

Mr. Valentic inquired as to whether Mr. Mihalik could provide the document he read verbatim in the meeting this evening so that the Recording Secretary of the Planning Commission can ensure that everything he said is accurately reflected in the Minutes.

Mr. Mihalik agreed to provide his document to Mr. Radachy.

Mr. Varga asked the developer if there would be any issues with fulfilling all the stipulations.

Ms. Cohan stated that they are comfortable that the stipulations can be accommodated. She stated that all questions and concerns will be answered and addressed.

Mr. Varga stated that the Board requested information about some of the items six (6) months ago, and there is no more information now than there was then. He noted that the developer is agreeing to agree stating that they feel comfortable accepting the plain language of the requirements in the stipulations. Mr. Varga stated that this requires the developer to have an agreement in place with Mr. Mihalik and all questions posed by all reviewing agencies answered.

Ms. Cohan noted that they need to meet with Enbridge, which will help obtain information they need to solidify an agreement with Mr. Mihalik.

Ms. Kurt inquired as to whether the developer has reached out to Mr. Mihalik. She inquired as to whether there was a proposed timeline for getting the requested information to Mr. Mihalik.

Ms. Cohan stated that, assuming they can get approval this evening, the next priority on the project is to get the agreement with Mr. Mihalik completed. She noted that they would like to begin construction late this spring so it is a very high priority to get the agreement with Mr. Mihalik ironed out quickly.

Mr. Reppert expressed concern that the information requested 6 months ago still has not been provided. He stated that there is a lot of work that needs to happen for construction in late spring. Mr. Reppert stated that if he was still in his previous position, he would tell the developer to go fix it and then come back.

Mr. Valentic and Mr. Schreiber expressed concern that there might be significant changes to the plan.

Mr. Veselko stated that if there are significant changes to the plan, the developer will need to resubmit it.

Mr. Radachy confirmed this to be the case.

Mr. Veselko stated that it is the Board's duty to merely vote on staff's recommendations with stipulations, including what was recommended this evening. If the developer and Mr. Mihalik cannot come to an agreement regarding the gas well and infrastructure matters, the development does not go forward.

Mr. Veselko moved and Mr. Valentic seconded the motion to approve the Painesville Township – Grey Hawk Landing Final Plat and Improvement Plans, with the incorporation of all stipulations and comments, including the stipulation made by the Board this evening that access to the gas well and infrastructure be provided during construction.

Mr. Varga requested the motion be amended to include "functional access."

Mr. Veselko moved and Mr. Valentic seconded the motion to approve the Painesville Township – Grey Hawk Landing Final Plat and Improvement Plans, with the incorporation of all stipulations and comments, including the stipulation made by the Board this evening that functional access to the gas well and infrastructure be provided during construction.

Five (5) voted "Aye."
Mr. Reppert and Mr. Schreiber voted "Nay."
Motion passes.

Subdivision Activity Report

Mr. Radachy reported on the following subdivision activity since the last meeting:

- Fairway Pines Phase 5
 - Recorded February 28, 2025
 - Completes Preliminary Plan approved April 26, 2017
 - 62 acres between Fairway Pines and Harbor Crossing that may develop
- The Villas of Canterwood Farms Phase 3
 - Recorded on March 21, 2025
 - Last phase of a Preliminary Plan approved on September 28, 2021
- Harbor Crossing
 - Ready for final approval of improvement plans
- Blackmore Estates
 - Ready for final approval of improvement plans

LAND USE AND ZONING REVIEW

There were no Land Use and Zoning Review matters.

REPORTS OF SPECIAL COMMITTEES

There were no Reports of Special Committees.

CORRESPONDENCE

There was no Correspondence.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Mr. Radachy stated that the Lake County Planning Commission will be placing Agendas and Minutes on the website. He proposed placing Agendas and Minutes on the website from 2022 to the present time noting that this decision can be made at the next board meeting.

Mr. Radachy reminded the Board that the only thing that cannot be shared from the board meeting packets prior to the meeting are the Minutes and Financial Report as they are not official

until the Board approves them. He noted that board members can share the Agenda and all backup documents.

PUBLIC COMMENT

There was no additional Public Comment.

ADJOURNMENT

The March 25, 2025 meeting of the Lake County Planning Commission was adjourned at 7:12 PM, by consensus.