

SPECIAL MEETING OF THE BOSTON TOWNSHIP TRUSTEES

October 14, 1986

The meeting was called to order by Chairman Fisher. Present were Fisher, Broderick and Pullekens. Absent were Trustee Schneider and Clerk, Molly Morgan.

The purpose of this meeting, which was duly advertised in the Akron Beacon Journal pursuant to law, was to have a public hearing on the zoning amendments submitted by the Boston Township Zoning Board to the Trustees for review, pursuant to law. The Trustees, upon review of the procedural steps followed, found that the Boston Township Zoning Board had duly met and had the appropriate hearing pursuant to law, regarding the amended resolutions. The Trustees also reviewed the recommendations of the Summit County Planning Commission which were forwarded to the Trustees by the Zoning Commission.

The notice of public hearing relative to the zoning changes was published in the Akron Beacon Journal on September 28, 1986. Two different resolutions were submitted to the Trustees. The first resolution involved the rezoning of Zielenski Court to change the zoning to commercial from its present classification of part commercial and part residential. No one at the public hearing had any comments and/or recommendations relative to this proposal.

The second proposal brought before the meeting was the proposal in regard to the Route 8 corridor. Chairman Fisher opened the floor for discussion relative to the matter. As a preamble, he indicated that the Trustees would take comments from the public tonight at the meeting for consideration. Further, he indicated that the Trustees would review the matter at the weekly public meeting on Tuesday, October 21, 1986, and that a further public hearing would be held on Tuesday, October 28, 1986, at 7:30P.M. in the town hall. The final vote on the matter will take place on Thursday, October 30, 1986, at 10:00A.M. at the town hall.

Also present at the meeting were Rupert Minns and Martin Griffeth.

A tape recorded record was made by Trustee Joseph Broderick and the same was typed for review. A copy of the same is attached to these minutes for review purposes only. They are not meant to be an accurate and/or certified transcript of the hearing.

Also attached is a copy of the Planning & Zoning Study of the proposed amendments for the Route 8 corridor.

The Trustees after listening to the comments of the people, reiterated the schedule of the forthcoming meetings wherein the people could review the matter before the Trustees voted on the same.

Upon motion of Broderick, seconded by Fisher, the meeting was adjourned.


CHAIRMAN

RECORD OF PROCEEDINGS

Minutes of

Regular

Meeting

Noted
10/14/86

National Graphite Corp., Cals., G. Form No. 1007-0

Held

Oct 14

10 86

The regular meeting of the Boston Township was called to order by Chairman Fisher. Present were Fisher Broderick Morgan And Pullekens. Absent was Schneider.

Broderick made a motion to approve the minutes of the *Rec 11-187* previous meeting. Fisher seconded the motion. Motion approved.

Broderick made a motion to approve the bills. Fisher seconded the motion. Motion approved. *Rec 11-187*

Fisher made a motion to transfer \$3,000.00 from the General fund to the Zoning fund for additional expenses and to amend the appropriations to reflect the change. Broderick seconded the motion. Motion approved. *Rec 11-187*

Broderick made a motion to purchase running boards for the pick up truck at a cost of \$73.00. Fisher seconded the motion. Motion approved. *Rec 11-187*

Fisher made a motion to purchase indentify stickers for all township property. Broderick seconded the motion. Motion approved. *Rec 11-187*

Broderick made a motion to reappoint Rupert Minns to the Zoning Board with his term expiring Sept 4, 1991. Fisher seconded the motion. Motion approved. *Rec 11-187*

The Clerk was to check on expiring terms for the Fire Board. She was also instructed to check with Boston Heights Village regarding payment for a side cutter purchased from the Township.

Broderick made a motion to adjourn the meeting. Fisher seconded the motion. The meeting was adjourned. *Rec 11-187*

~~Chairman~~
Chairman

~~Deputy Clerk~~
Deputy Clerk

Bills Approved.

Terry Lumber	362.26	
Western Reserve Tel Co.		41.29
East Ohio Gas	24.11	
Ohio Edison	250.91	
Akron Beacon Journal		463.54
Akron Welding	9.00	
Ohio Edison	911.13	
Edw Pullekens	2387.50	
Leipold Tire	30.00	
Blue Cross	309.45	
Pers	502.55	
First National Bank of Ohio		1282.05
Treasurer State of Ohio		630.88
Molly Morgan	10.08	
U.S. Postmaster	22.00	
Distillatta	140.00	

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CHAIRMAN

The attached is a cursory typing of the tape recorded meeting held at the Boston Township Town Hall on October 14, 1986. It is for informational purposes only, not for accuracy.

MR. FISHER: We've got some design people here that went through it in alot more detail than we have and I've gotten a few calls and I know how some of you feel, but we'd like it on record. If anyone wants to speak, we'd like you to stand up, give your name and address for the record.

JIM JONES: I would just like to make one comment. What we are doing here is not sealed in cement. It's something that we came out with; it's there for your reading, for your thoughts and your input. We are not claiming to know all of the answers. It took a lot of effort and a lot of time and we had a lot of help from Ray Robinson. It's there in an effort to try to come up with something that is going to give us a better area on Route 8. But by no means is it the be-all and the end-all.

MR. FISHER: You people live there and you're going to have to live with whatever is there and we want to hear how you feel about it. I don't know how many people have read through the whole thing. They are available here at the building and we do have some of the laws from Ohio if you want to read them afterwards; your alternatives to putting them on the ballot if you don't like what happened. You have to wait until we vote on it, to do something like that. I would like to hear from anyone in the audience who can inform us in some way.

CHARLES SCHWARTZ: 5316 Akron-Cleveland Road. I would like to ask a question. Can you say exactly what the purpose of this new ordinance would be. I appreciate us being able to read it, but we are not lawyers. Can you give us an overview as to what it will do for Route 8?

FISHER: We would like to prevent undesirable businesses and other types of operations from moving into that area. The national park is now up to there and we don't know what might come in on the perimeter of the park.

SCHWARTZ: What do you consider an undesirable business?

FISHER: We don't know. We are going to put into the zoning what type of businesses are permitted. Anything else will have to come before the Zoning Board of Appeals.

JONES : Under the old code, all that was stated was what was not permitted. So if you think of something that was terrible but it wasn't on the list, you could put it in there and they could drop it right down next to you people. That's what bothered us.

SCHWARTZ: What protection do the present business owners have for the future?

JONES : The people who are there now will not be affected.

SCHWARTZ : In other words, the depth of our property is protected forever.

JONES : You've got a grandfather's clause, as it stands now.

SCHWARTZ : What's to protect that from being changed.

JONES : If you should sell, remodel or change...

ELLIS : The way that I read the proposal, there is a two year requirement that everything... so that's one of the areas that the Trustees have discussed and Mr. Robinson, who is not hear tonight, hopefully, he will be at the next meeting, is the proposer of this, the Trustees have picked this out in their initial review.

Basically, the way it's written, if there is a use up there now, it would have to conform within a two year period. There is no grandfather clause in this proposal as I read it. Right now, Ohio law says that if you are rezoned, there is a grandfather clause built into the Revised Code. I will put this into the memorandum that I draft for the next meeting with the Trustees, based upon the comments tonight. This is a little bit different than what, I feel, the Revised Code says.

WIN
S...PIRO:

I am an attorney and I have represented Donald Stillwell and his family on other matters of business and I have been asked to come out tonight and share with you some thoughts, and I think that the last comment that was made, Mr. Pullekine indicates that, even as I understand the Ohio Revised Code, that the way in which this proposed law has been submitted to the public has some inherent weaknesses as a matter of law in it. It seems somewhat ludicrous, frankly, to have people who are not lawyers be subjected to what is clearly on its face, something which is unlawful. I am not here to suggest to you that changes in the law don't happen from time to time and out of lawsuits comes new law and so forth, but, clearly to suggest that people who have existing businesses today that may not conform, to be in a position of conforming two years from now, I think, as I kidded Mr. Pullekine, he might want his son to become a lawyer because the lawsuits would be, I think, far reaching over a period of time. I think more important than that, however, is representing, and I can only speak for Don and maybe this is similar to some of his neighbors, because what we have in this general area are some very thin, long lots, and if, in fact, you are in a position wherein you are going to place this 500ft. corridor, just arbitrarily cutting 500ft. down, in effect what you will have done to those who have spent considerable sums and invested, time, effort, energy and money in their properties for commercial purposes, you will cut, in my opinion, a very major value to their property, and I think it will have some effect on the tax base that the government will enjoy. If you're going to say to a person that has 127 X 1000ft., you start talking about you've got to take so many feet off each side and you can only go back 500 ft., basically, he's got 500 feet behind his current use, which would be landlocked, I think that he is grandfathered into his current use. But in the event that he would like to sell his property one of these days, or if he would like to expand his property, in that 500 ft. area behind, which is now used for storage of big equipment and so forth, he would be subjected to coming to the zoning authorities. Although he can continue with what he's now doing, if he wants to expand his business, he's going to be inhibited and it will be quite difficult for him. In his particular case, why I think this is terribly unfair, is that you have somebody who on Route 8, wherein you have the park which is basically taking up alot of property, and I don't have that much commercial property in the area, you've got somebody who, within the last year, has received a building permit, has expended almost a quarter of a million dollars to improve that property, and you are now saying to him that within a year after he has done that, you're going to make it tough for him, if you will, to create a better place for your business and so forth. Even if he wanted to move sideways, he's not going to move the hotel out. They're good neighbors. There is no place for him to go except directly back.

I think that what you're doing with the thin lots, at least in this particular area, is making it quite improbable for those, even in the 500ft. strip, to do something worthwhile, commercially. I very frankly, not only question the constitutionality of the two year rule, but also under 806.02 of the proposed code where it appears to me that you're delegating authority to...for instance, the Trustees are delegating authority in order to get people to bring their property up to par, if you will, within a period of time, you are giving that authority to persons other than the Trustees. I think that whatever you do, you're going to have to do it, because this is within your authority.

It seems to be that you are now going to make something illegal which is now legal. Generally, it's the other way around where people are trying to come in because you have single family housing and you want to do commercial and so forth, in affect, what you're doing is you are going to make illegal, what today is legal, and that just doesn't go well, as far as I'm concerned. I think that by restricting the property here, you are, in my opinion, detracting from future growth of the area. I suppose there is always two lines of thought. If you don't want any business, that's one thing. But if you want business, why would you detract when you have these thin, long lots that people might want to put their business in. It seems to me that since the park has taken away so much of the township lands, particularly for development, that it would be silly for the township to decrease its tax base. I would think that you might want to be developing some other things. The other thing that I'm thinking about with respect to the new roadway that's going to be coming in and through the expressway, and so forth, it seems to me that this area that Don is on, and some of these others, are really going to be a secondary road, and it seems to me to inhibit their growth with this legislation is going to create great difficulty with the township. I think that you should be trying to bring people in rather than discourage them from coming in. I think that there are tremendous legal difficulties with trying to say that everyone has to conform within two years. I think that the fact that there is an arbitrary corridor being cut 500 ft. down I think is a deprivation of use of property and so forth, and I think those that have made major investments in their property, not only this year but over periods of years, who intended to grow. If you look around that general area, you have people who have expanded slowly over a period of time, and have gone back further and further, and while I don't represent them, I think that by doing this, you are taking away their opportunity to grow. It almost might be an inverse appropriation, if you will, because suddenly, I think that no matter what you do, they're going to be able to continue to do what they're doing, by inhibiting their growth in the future, I think you're saying to them, "we're taking your property". I don't think this Township wants to be faced with that situation. I think that there is probably some room for compromise, but I think that those who are currently zoned commercial, should be left alone. I would respectfully ask that you consider that in your discussions.

"SHER : I think there is a little bit of discrepancy in getting together. When the zoning board had their hearing, no one seemed to know about it. I don't know why. It was advertised in the paper. But I think the Trustees are looking at the two things that he talked about pretty strong. We have been studying it close.

JOE
BRODERICK: The Trustees have no input in regard to these new regulations although we've talked over in executive sessions, different angles or concepts of what should be done up there, but what's in here is none of our doing.

GARVIN
SHAPIRO: There's an old saying that I'm sure everyone's heard on commercial television these days, "If it ain't broke, don't fix it". The question is if there's a need to do some fixing, I think that even these people who operate their business up there, wanting to be good neighbors and citizens of this township, would be willing to cooperate if there is something that is broken and needs to be fixed. The question is, what is that? How can you do that without stepping on their toes, so to speak, with major investments that they've put together over a long period of time. In Don's situation, I think that it would be a horrible injustice inasmuch as he's invested a quarter of a million dollars just this year. If you go by there, \$40,000.00 was put into improving the office, they just put up a building that is roughly 10,500 square feet and you're saying to him that you're happy he's growing but you're not going to be able to grow any more.

FISHER: Well, that's the purpose of this hearing tonight, we want to be able to hear what everyone has to say. We don't want a bunch of dissatisfied residents up there.

BARBARA
STEWART: 5466 Akron-Cleveland Road. I bought my property in '79 with the purpose of living on a by-way, not a main highway, when the expressway went through. I moved out here for the rural atmosphere, not with the idea that I would be on a highway that was going to be all commercial. I thought that mostly what would be on there would be things that would be like campgrounds. Things that would have to do with serving people coming to visit the park. I really didn't think that it was going to be a lot of buildings with all the trees cut down. It seems that since I've moved out here, within a 1/2 mile of either direction of me, I've seen an awful lot of trees disappear just since I moved out here. I've been planting trees instead of cutting them down.

FISHER: Where did you say your property was?

STEWART: Right across from _____ . And on this thing here, you have the whole thing, my whole property, not just 500 feet. That marks my whole property as commercial.

FISHER: That area right now is business.

STEWART: But it's business/recreational. It's not...

FISHER: No it's not...it's business.

STEWART: When I bought it, I came down to this library and I checked and it was business/recreational, the last 500 feet. I was thinking of opening a little bookkeeping business there. So that was fine with me. But then I had thought of maybe having a campground there someday. Now, according to this, you can't have a campground. Also, I'd have to buy the property next to me in order to conform. I don't have the land to conform to this 806.02. I can't do that with my property the way it is now and there's no where else for me to put my drive

the property line is in the driveway. It's a shared drive and I don't have a place to...I'd have to buy property and I don't have that kind of money.

FISHER: Anybody else got anything?

I think we realize that there are some legal aspects that we have to look at, too. We've asked our solicitor to study this over and advise as to the legal problems we could have. We're not looking for trouble, I'll tell you that.

ECP: One of the points relative to my brief encounter with the zoning commission, and also the trustees, or anyone on the various committees overlooking this, are in anyway trying to dictate that area other than trying to upgrade it and improve it. If the people who live up there have any suggestions, the next meeting is an open meeting such as this, and if you want to put anything in writing, be sure to do so, and the Trustees will consider the alternatives that are available and whether the plan should be modified or totally rejected or accepted as given. I think that the first option of accepting it, there are problems which the Trustees when they got it, they called me up right away on their own and indicated that there were problems, but again, it is my understanding that one of the attempts of the zoning commission is to relook at the township in general, Route 8 corridor happened to be the first area of concern due to complaints that came back a few years ago. They've been working on this since 1981, 1982, and this is the final draft that has finally trickled down throughout the years. And I know, as said, they've put a lot of time into this, not necessarily to dictate, but Mr. Robinson, who will be at the next meeting, this is his concept from a textbook view of what should be there. Now, what is textbook, is not the reality of the situation for the people and I think that the Trustees have indicated that with their initial review at their regular meeting yesterday. So, just keep that in mind. They need the input of the people, what your individual concerns are for your property up there. It will assist them in looking at the legal issues as well as the practical issues that exist.

DON
STILLWELL: I'm Don Stillwell. I'm the one who made the big investment. Right now, you have a two mile stretch up there. Probably, a 5 million dollars 2 mile stretch. To cut everybody's property in half and landlock an acre and a quarter for me and maybe 3 to 5 acres for the motel, I just don't think it'd be a wise decision. We've all invested so much money up there. The trailer sales, if they want to expand to the back for storage, what you'd be doing is forcing us out. I for one, don't plan on having half my property land locked or to be sold off to the park.

FISHER: Our intantion is not to force anyone out. We'd like to see more business.

STILLWELL: But we'd never be able to do anything with our property. Who'd want to buy it. The other part of my question is, is there another proposal that the trustees are considering, has there been anything decided or talked about?

F HER: No-that's exactly what we talked about in executive session.

7 Then on the 28th. will you be hearing more of what we've got to say. Will it be more rhetoric, or what will transpire?

ECP: The 28th. is when they're going to start expecting their exact use based upon what they've heard and also the input... a little bit of the reverse. Tonight, was more or less the people giving their views. The trustees-the buck stops with them. They've got to start giving their views, also, and be given an opportunity to express those views. Also, there's a two day period there where they can kick things over before the final blows. They're on the hot seat at the next meeting. They want to be.

SHAPIRO: The sense of fairness, for everybody, whether you're for or against this proposal. It sure seems to me that the property owners, those who are involved in this thing, ought to have something by way of a document, in a reasonable period of time before you take action on it. With due respect, and I understand that you have a document before you and you can say that I want to modify section such and such, it seems to me that whenever it comes to pass that there is a document that you feel that you're going to take action on, these people ought to be given an opportunity to see what that document is vs. a situation where, as I understand it, you're going to have a meeting on the 28th...

ECP: 20 days from today is our deadline to pass, modify or vote against it. So by statute, and within those guidelines, what we tried to do is to make the best use of those 20 days to the extent of any final proposal. I am sure that at the next meeting, or prior to that, there will be circulated to the township changes to this proposal which the trustees will be having meetings, on...next Tuesday morning at 10:00 which is a public meeting, also, where this will be discussed. Again, we are dictated by the 20 day time period.

SHAPIRO: My only point is that whatever the document is that you are finally going to take action upon clearly ought to be available to those that want it in a reasonable time. I think that a reasonable time so that either they can review it or have somebody review it so that comments can be made.

ECP: Practically speaking, with the time set, there's going to be approximately one day leeway. I would anticipate that the final draft that the trustees will be voting on will be ready Wednesday, October 29, probably by noon at the earliest. So there will be less than six hours practical time, plus the trustees changed the meeting date for the public meeting.

FISHER: We can't back it up too much.

ECP: No, earlier to get time before the final vote.

JIM JONES: I might add, not to throw anything in that's out of line, but we sent the same notice in the paper, 2, 3, or 4 weeks ago on the hearing by the zoning commission to get some input into this. Not one single person showed up.

Do you know where I saw that legal notice. Through your attorneys. I looked under legal notices and I couldn't find it.

JIM JONES: The township zoning commission's meeting was held on the 28th. of August was advertized for two weeks in the legal news.

SHAPIRO: It's obvious that most of these people were unaware because I'm sure that they would have shown up at that time to express their opinions.

ECP: Also, the zoning inspectors could go up and down the street and try to notify as many businesses as possible that this is coming before the trustees. I'm sure that noone saw the notices for this meeting. But for the fact that the zoning inspectors went up and down the street.

? Is it true that some years ago used to allow for notices sent individually to the residents of a rezoning ordinance.

ECP: Ten or fewer parcels we must give individual letters. More than 10 parcels, publication is the statutory_____.

? I recommend, I don't know about any other property owners, but I think that something like this that deals with so many people, it would be a courtesy to notify people.

? I have Tamsin Park... I am compatible with the operation of the National Park, yet you're talking that I have to close my campground with something that's already compatible with the park.

MRS. JONES: My husband and I have the Indian Mill on Route 8. I want to say that we are against the proposal. For one thing, we feel it is a hardship. Our company is for sale now. If this goes through for 500 feet, you'd have 150 feet residential and we'd probably be landlocked. It would be of no use to us as residential and certainly no use to proposed buyers. I feel that's a hardship. I'm also strongly disputing the use of the 2 years. We don't even have the advantage of a grandfather's clause.

FISHER: How would you people feel if the boundary followed the property lines? Would that affect anyone?

STILLWELL: I have no objection to following the property lines as they stand right now.

FISHER: Do you have any objection to taking the grandfather clause and leaving it in there? Legally, like it's supposed to be? The way it was originally.

MRS. JONES: Is there a law coming up in the State of Ohio that the grandfather clause will not be used any more?

FISHER: I don't know. We've got two attorneys here.

SHAPIRO: That was the proposal based upon what I've read here. I don't think that is in agreement with the State code. Mr. Pullekens is going to give the trustees comment upon it.

ECP: I think the trustees are leaning toward the grandfather clause in the zoning statues as currently written for townships.

DAVID

BLOOMFELD (sp): 5374 Akron Cleveland Road. We own the Virginia Motel. At 500 feet, you make my property just about worthless. There's a new going in. I don't know what kind of business I'm going to have anyhow, and I certainly don't want to have to go through a lot of changes to meet a new code. I would be against it.

FISHER: If it followed the property line, how would you feel?

BLOOMFELD: That would be a vast improvement over what we have now but I would not want to get into 10ft. offset fences, extensive curbing in parking lots and some of the other things. You're asking me to upgrade a business when it's at a point of transition.

FISHER: If the other part stays the way it is, it won't affect you at all.

BLOOMFELD: And what would that mean if we were to sell our business in 7 years.

FISHER: I think in 2 years if we

BCP: It will affect your property value. It could go up. I think the concept of any zoning is to stabilize or improve your values and to improve the marketability of your land.

? I just keep looking at that old stretch of Route 8 between Northfield and 303 and just see how it blossomed...

BCP: It might be that no matter what the trustees do...

? Let's not make it any tougher than it is, if we don't know if it's going to be viable in the first place.

JLM
JONES:

We've been working on this how many years now. We've had a lot of lonely planning commission meetings where we've been the only ones there. The only meeting I can think of where we really had substantial crowds were when people showed up about the bookstore on Route 8 and everyone was very concerned about that. They didn't feel they were getting the protection they should from the zoning board. We agreed with them. We agreed that our existing zoning ordinance didn't give them enough protection and that we had a list of things that were prohibited but we had not list of things that were permitted. If someone wanted to bring in a really horrendous use in there we didn't have prohibited, we couldn't stop them. There was no way we could protect you as long as it was a new, bad use. That's our problem. We haven't been doing you any favor by not improving the zoning code that did not allow us to protect you from people who would come in with uses other than those that were prohibited. We are concerned about Route 8. We are concerned that it be as good an area as it possibly can and that's basically why we've gotten into trying to set up the standards to encourage everyone up there to keep their property as good as they can. If you run a sloppy ship that's going to affect your neighbor. From Rupert's standpoint, I can say that I'm not upset to see this many people. I'm delighted to see this many people. It indicates that there are people up there who care about what's happening.

? : I'm wondering how the Commission came up with the idea that 500 feet would benefit the property owners or the commercial area on Route 8. I don't see the reasoning behind it. How could that protect us?

JIM JONES: One of the questions that came up to me earlier, the gentleman over there, this is an extreme example, let's say someone has a property 128 feet wide and 3 miles long. Should that all be commercial? Three miles back. Where do you draw the line.

We're not talking 3 miles... What is the reasoning in drawing that line for our protection?

Why is 500 commercial and the rest residential?

? : We're also thinking about people who may be further back and have single family residences.

? He goes back 1000 and I go back 2100. The first 500 I can use and the rest I can't.

FISHER: But if we left it as nonconforming, you're on a special variance.

? : What about future sales?

ECP: The idea is that you are trying to stabilize the area but if it's going to affect their value, it's going to limit the use of their property.

STILLWELL: A few years back when I started this business Cuyahoga Falls didn't want me because there was no tax value. Then we moved out to Northhampton. They didn't want it. So I bought the property there and took out my dealer's license in Boston Township. Boston Township has had the privilege of all the sales tax and the taxes for the past 8 years. My business has grown to where I can afford to build a building. So I decided to put everything in Boston Township. I have well over a quarter million invested in 2 1/2 acres and if you want to cut it in half, I have better than \$100,000. in each one of the acres that is not going to be worth \$20,000.00 if this goes through. If you look from the shopping center to Northfield, that property for the last 15 years has been for sale and it has no value the way it stands. If you do this, the park might as well come and take it all. If they're going to get me out, they're going to have to pay what I've got in.

ED : 193 Whaley Road. What about us. We're non-conforming, excavating. In two years, I'll have to get out. We were there and we put the road in.

FISHER: I know it. You've been there a long time.

ED: We have no protection. Some place in Cleveland, it was on the news, they tried to do away with the grandfather clause and they were in for a whole lot of lawsuits. The township is going to have to hire an engineer. Cause I have a lawsuit going now, since 1978, where I dug a basement 8 inches to deep to get the dirt out and the people are suing for a new house. If the Township puts all of these grades that the new zoning calls for, they are going to have to be responsible to go out and check that. That man up there doesn't have a degree. If you get a building too high and you get water over on Stillwell's place, then's he's going to fight. These are some of the things the township's going to have to watch.

? : One additional comment, to clarify in my own mind, there is in the proposal, if we were to go with it with the changes we've talked about, in addition on the use of it for the future, if I wanted to sell it to a business that was a good business, that would be OK. But if I wanted to sell it to a bad business that would not be OK. Or are you saying I could not sell it to any business?

SHAPIRO : We're going to tap dance to this. I think that it is fair to say that if you continued a similar use. Nothing is exact, but if it were similar, it would be the continuation of a non-conforming use, you would probably be able to continue it with the new seller. However, if, in fact, you had a commercial use now and somebody else had a different commercial use for the property, it is conceivable that before that new use could come in they would have to come in and get an approval. For instance, if the motel people were to sell to people who wanted to operate a motel, that's fine. But if the motel people sold to someone who wanted to develop that property for warehousing or whatever, they wouldn't be able to do it in the rear 500 feet. In the rezoned area, they would have to get approval for that.

? : With the elimination of the 500 feet, and now we're going to our own property lines, that would still be a detriment to our property value, because we would be locked into the way we had to sell it on the open market as a viable piece of real estate and business. Even if I wanted to sell my land to Don to put a warehouse up.

FISHER : How would you suggest that we zone it?

SHAPIRO : Mr. Fisher's suggestion was if you followed property lines, it would remain commercial zoning to the property line.

CP : The proposal now is to take that 2 years out.

FISHER : That's what we're trying to decide. What to keep in and what to take out.

SHAPIRO : There are two things we are talking about taking out. The 500 feet to the property line and if they don't do that, conceivably to put in the grandfather clause. The affect on most of you people who _____ ...

SHAPIRO : I don't know that much about your township, but one of my associates does. The question I have is, I don't know how much commercial property you have in Boston Township. It seems to me that rather than inhibiting what appears to be the only commercial strip, you would try to protect the base or increase it somehow so that you could develop it. Knowing that there is no other place within your community to develop commercial areas, it seems to me that you could make an effort to improve the commercialability of that area rather than decrease it.

FISHER : That was the original purpose of the whole rezoning, but there are some drawbacks.

? : With enough money, a man can beat everything in the code, regarding what.... it's my understanding that's a community judgmental thing anyhow and it wouldn't protect us from that type of business anyway.

? : But he has to have the type of business permitted under that code. If he has a different business than what is allowed in that code, he would have to come in and we would have to make a judgment on whether they felt that the use was compatible with your area.

? : Outside the bookstore, how many bad businesses have we had come into the area?

FISHER : That was probably the only one that was really bad.

? : To me, it's a lot of excitement over something that's gone.

JIM : I think the point is sir, that we've had no way to stop a bad business if it wanted to come in. There wasn't a thing we could do to help you.

JONES:

? : Whose judgment is it if it's a good business or bad business? What are we going to base that on? Is a oil refinery a bad business or a gas station.

? : What about on the east side of the valley? I know at Barlow Road you don't have . Why zone one side of the street and not the other.

It will be zoned all the way back to the new freeway.

They didn't put a boundary line on the east side because we had the freeway backing it up. So we go from the center line of Route 8 down to the freeway as commercial on the east side.

SHAPIRO: How far would that be?

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INSPECTOR: It varies. At one end it would be about 150 feet. At the other end 400 or 500 feet. It comes to the Stow line before it hits the freeway. The freeway comes in at an angle.

? : Hudson Township is quite close to Route 8 on the east side, will it go to there?

ECP: It would go to the township line. They are adjacent to us.

FISHER: Any other questions. Thanks to everyone for coming. I think we learned a lot. This meeting is adjourned.

? : If I can get everyone who was here tonight to sign their names and phone numbers we can be sure that everyone is notified of the next meeting.