



NEWBURY TOWNSHIP ZONING

14899 AUBURN ROAD, NEWBURY, OH 44065

OFFICE - (440) 564-5997

Zoning Commission Meeting Minutes

Date

September 9, 2026

Chairman Jim Lang called the meeting to order at 7:00 p.m.

Members present

Jim Lang

Karen Endres

Chris Yaecker

Dan Walker

Dan Simon

Carly Sayre (trustee liaison)

members absent.

Dave Somrack

Others present

Mallorie Fenrich

Rob Fenrich

Minutes of - previous meeting date

moved by Dan Walker

second by Dan Simon

approved unanimously.

Introductions

Mallorie Fenrich, a potential new alternate was in attendance with her husband Rob Fenrich. The board introduced themselves and Ms. Fenrich shared about her experience and interest in joining.

September 23, 2026 meeting

For the next meeting on September 23, 2026 Linda Crombie will be attending. The zoning secretary will not be able to attend. Carly Sayre will take minutes for that meeting.

The board discussed having an agenda and questions prepared in advance to send to Ms. Crombie so that she can be better prepared. The board secretary will send the agenda and questions to Ms. Crombie.

Carly will try and bring the hard copy of the current land use plan to this meeting.

Meeting with new prosecutor

Carly Sayre, Nick Bellas and Amy Lydan will be meeting with Susan Wieland, the new prosecuting attorney on Tues Sept 15th.

Carly Sayre will address the question of making a substitution of a non-conforming use a function of the BZA like Bainbridge Township does and get Susan Wielands input.

Carly will also get more clarification regarding sunshine laws and if two members are permitted to work on projects outside of meetings to later bring to the group in a regularly scheduled meeting.

Board members who wish to have any other questions answered should send them to Carly no later than 9/15 before 10 am.

Zoning Inspector error and Substitution of non conforming use

Karen Endres researched who could file a zoning inspector error and found the following information:

In Ohio townships, any person who is "aggrieved" or any officer of the township who is affected by a decision of the administrative officer has standing to file a zoning inspector error appeal with the township board of zoning appeals.

Timing: The appeal must be filed within 20 days of the decision, with both the officer from whom the appeal is taken and the board of zoning appeals.

The notice of appeal must specify the grounds for the appeal, typically alleging error in an order, requirement, decision, or determination made by the administrative officer in enforcing township zoning laws Ohio Laws.

Process: The officer from whom the appeal is taken must transmit the full record to the board. The board sets a public hearing date, gives at least 10 days' written notice, and publishes notice in the county newspaper or township channels

In short: In Ohio townships, you can appeal a zoning inspector's decision if you are personally affected by it (as a person aggrieved) or if you are a township officer whose authority is impacted by the decision.

There was discussion around how this could impact the township if the zoning inspector incorrectly permits a substitution of non-conforming use permit. The board felt that the 20-day time period made things difficult. There was discussion about ways to move forward with having non-conforming use permits become a function of the BZA or possibly requiring the zoning inspector to notify trustees whenever a permit was issued.

Discussion about the Bainbridge language that was previously submitted for feedback. Carly will ask about this when she meets with Susan Wieland.

Data Centers

Dan walker drafted a document to better understand data centers and the concerns around them. There were concerns over the water table and power usage and taking time to see what impacts data centers could potentially have on the township, both positive and negative. The board discussed a potential moratorium to allow time to figure out what path would be best for Newbury regarding potential data centers. It was agreed that the moratorium to allow time to research was likely going to be the best course of action and that it would also be good to have input from Linda

Crombie and Susan Wieland before proceeding. All board members should read through the draft and be prepared to make a decision to move forward with a recommendation for the trustees by the next meeting.

Painsville currently has a moratorium in place. Dan Walker will reach out and see if they can share anything about this process.

Trustee presentation on landscaping

Discussion about the presentation to the trustees at the joint meeting on 8/19/2026 regarding landscaping. The board believes there was some confusion regarding existing establishments. All members agree that there is no plan to eliminate any existing businesses, only to make sure that going forward they are only allowed in the permitted M1 areas.

There was discussion and a general agreement that it may be better to present a recommendation to the trustees now that all options have been presented. After some discussion and agreement, the board wishes to recommend that no changes are made to the resolution regarding the permitted location of landscaping businesses. The board wishes to add definitions only.

Discussion about some Zoning Commission members attending the next trustees meeting to help clear up any confusion and answer any questions the trustees may have. Carly will post a notice that commission members will be attending the meeting in case more than two members show up.

There was some discussion about possibly updating Article IV section 4.01v of the resolution regarding composting. This was tabled until the next meeting.

Landscaping definition review

Discussion regarding the definitions to be added to the resolution. As of this date the board has agreed upon the following definitions:

Landscaping

Landscaping means the exterior installation of any combination of living plant material such as trees, shrubs, grass, flowers and other natural vegetative cover; and may include structural or decorative features such as walkways, retaining walls, fences, benches, lighting, works of art, or sculptures, reflective pools and foundations.

Excavating Services Business

Excavating Services Business means a business engaged in site preparation, grading, trenching, or bulk earth movement.

Landscaping Services Business

Landscaping Services Business means a business that designs, installs and maintains outdoor spaces such as lawns, gardens, and patios. Services include but are not limited to, mowing, planting, hardscaping, irrigation, snow removal, outdoor lighting, and water features.

Tree Services Business

Tree Services Business means a business that includes, but is not limited to, activities such as tree planting, pruning, disease management, tree removal, or stump grinding.

Compost

Compost means a humus like organic material resulting from the biological decomposition of solid waste.

Composting

Composting means the process of biological decomposition of solid waste under controlled conditions resulting in compost. Controlled conditions include, but are not limited to, grinding, shredding, chipping, mixing feedstocks, bulking agents and additives, piling, physical turning, aerating, adding moisture, performing procedures to achieve human pathogen reduction, or other processing of solid wastes.

Land use plan

Discussion about the current land use plan. General agreement that this plan still represents what the township would like to see for Newbury. There was some discussion about the lack of sewers having an impact on the types of businesses wanting to build here.

Discussion about possibly adding more M1 and B1 districts in the future and about having a more resident friendly type area where people can stop and spend time, and making Newbury more than just a place you drive through to get somewhere else.

Discussion about getting input from residents and various ways to achieve this such as online polls.

Step Zoning

To correct the problem of permitting single family dwellings in B1 and M1 areas, Karen Endres proposed the following modifications to the resolution:

Existing text Article VI Section 6.01 A.

A. All permitted principal buildings, structures and uses as defined in Article VIII (P-O), Section 8.01.

Proposed text Article VI Section 6.01 A.

A. All permitted buildings, structures and uses as defined in Article VIII(PO), Section 8.01 A, B, C, and D.

(Comment – added A, B, C, and D excluding E- Single Family detached Dwellings in B1)

Existing text Article VII Section 7.01 A.

A. All permitted principal buildings, structures and uses as defined in Article VIII (P-O), Section 8.01., and Article VI (B-1), Section 6.01.

Proposed text Article VII Section 7.01 A.

A. All permitted buildings, structures and uses as defined in Article VI (B-1), Section 6.01.

(Comment - removed underlined portion since it is already included in Section 6.01)

Action Items

- All members send questions and agenda items for the Sept 23, 2026 to the board secretary before Wed Sept 16, 2026
- All members send questions for the new prosecuting attorney to Carly Sayre before Tues Sept 15, 2026
- All members review the draft for data centers that was created by Dan W and be prepared to decide if a moratorium is the best course of action
- Dan Walker will attempt to contact someone in Painsville and ask about their moratorium on data centers

- Carly Sayre will get clarification regarding sunshine laws from Susan Wieland
- Carly Sayre will post on the website that the zoning commission will join the next trustees meeting on 9/16.
- Carley will ask Susan Wieland about substitution of non conforming use becoming a BZA function
- Carly will try and bring the hard copy of the current land use plan to the 9/23/2026 meeting and will take the minutes for this meeting

Dan walker made a motion to adjourn

Dan Simon Seconded

All were in favor

Jim Lang adjourned the meeting at 9:30 pm

Jim Lang

Jim Lang

Dave Somrack

Chris Yaecker

Chris Yaecker

Dan Simon

Dan Simon

Dan Walker

Dan Walker

Karen Endres (alternate)

Karen Endres

(alternate)

Amy Lydan

Amy Lydan