

**RECORD OF PROCEEDINGS  
FREEDOM TOWNSHIP TRUSTEES  
PUBLIC HEARING  
Wednesday, July 13, 2011**

The Public Hearing of the Freedom Township Board of Trustees was called to order by Chairman Hammar at 7:00 pm on Wednesday, July 13, 2011. Present: Trustees James Hammar, Roy Martin, John Zizka; Rosemary Nicholas, Fiscal Officer; Also present: Ted Bennett, Dan Grafton, Kathy Knerem and Dennis Kurtz.

Mr. Hammar led the assembly in the Pledge of Allegiance.

Mr. Hammar noted that the purpose of the Public Hearing, as advertised in the *Record Courier*, is to consider amendments to the Zoning Resolution approved by the Zoning Commission at their public hearing held on June 15, 2011 (*Amendment #1 Article IV Add Outdoor Furnace Regulations*); and as recommended by the Zoning Commission to the Board of Trustees at their Regular Meeting on June 16, 2011.

Mr. Hammar said this amendment, if approved, would be added to Article IV which applies to all districts.

Mr. Martin read a portion of proposed Amendment #1, §416.0 Outdoor Hydronic Furnaces.

Mr. Bennett questioned the reference to studies recognized by the EPA and said he does not see what any of this has to do with the EPA.

Mr. Kurtz asked who is going to respond to complaints, especially late at night. He said he talked to the Zoning Inspector who said he would refer the called to the Fire Department. He said he has been selling these units for 11 years and has not had one complaint from customers or residents. Mr. Hammar said the Health Department would be the enforcement agency but, here again, if you call them after hours you get voice mail.

Mr. Zizka continued reading the rest of the text of the proposed Amendment #1.

Typographical errors were noted in §416.0, second paragraph “and” should be “an;” §416.1 A “no” should be “not.” The last sentence in §416.0, second paragraph, is not complete. It was also the consensus of the board that the requirements in §416.0 B, E and F need to be defined as minimum requirements. Mr. Martin said he had a problem with C, in that not everyone has access to their rear yards. Mr. Hammar said he agreed that these changes need to be made if the board is going to adopt it; however, his mindset right now is not to adopt it.

Mr. Hammar made the motion, seconded by Mr. Zizka, **to not adopt the proposed zoning text amendments presented to the Board of Trustees by the Zoning Commission on June 16, 2011 (*Article IV - Add Outdoor Hydronic Furnace Regulations*)**.

Discussion followed. Mr. Zizka said he expressed frustration when this was first given to the board by the Zoning Commission and he is equally frustrated that neither Regional Planning nor the Assistant Prosecutor caught these errors/omissions. He said he was aware that there was one complaint this spring and, not to minimize anything, he was told by the Zoning Inspector that this was sort of an on-going battle between neighbors. Mr. Zizka added that he believes zoning should be proactive and not reactive, and, if necessary, this could be regulated under our current zoning resolution. Mr. Martin said he has not heard anyone say it should be regulated.

Mrs. Knerem said this was brought to the Zoning Commission and they were asked to put something together. They gave it a lot of thought, and most of the Zoning Commission members were not in favor of it. She said the main concern was what people are burning in these furnaces. Mr. Zizka said perhaps this could be addressed, or has been addressed, in Article IV, noxious odors. The board thanked Mrs. Knerem and the Zoning Commission for the effort they put into this proposed amendment.

Mrs. Nicholas called the roll: Mr. Martin, yes; Mr. Zizka, yes; Mr. Hammar, yes. Motion carried.

**Resolution PH 7-13-11.1**

There being no further business, Mr. Zizka made the motion, seconded by Mr. Martin, to **adjourn the meeting at 7:30 pm.** Roll call: Mr. Martin, yes; Mr. Zizka, yes; Mr. Hammar, yes. Motion carried.

**Resolution PH 7-13-11.12**

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