



# City of Hudson, Ohio

## Meeting Minutes - Final Planning Commission

*Ronald Stolle, Chair*  
*David Lehman, Vice Chair*  
*Andrew Furbee*  
*Melissa Jones*  
*Sarah Norman*  
*David Nystrom*  
*Erik Vaughan*

*Greg Hannan, Community Development Director*  
*Nicholas Sugar, City Planner*  
*R. Todd Hunt, Special Counsel*  
*Marshal Pitchford, City Solicitor*

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Monday, January 9, 2023

7:30 PM

Town Hall  
27 East Main Street

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### I. Call To Order

Chair Stolle called to order the meeting of the Planning Commission of the City of Hudson at 7:30 p.m., in accordance with the Sunshine Laws of the State of Ohio, O.R.C. Section 121.22.

### II. Roll Call

**Present:** 7 - Ms. Jones, Ms. Norman, Mr. Nystrom, Mr. Vaughan, Mr. Furbee, Stolle and Lehman

### III. Swearing In

Chair Stolle placed everyone under oath who would be giving testimony during the meeting.

### IV. Election of Officers (Chair)

Chair Stolle noted City Solicitor Pitchford informed him that any person holding a position on a Board or Commission may remain in the position until a successor is chosen.

**A motion was made by Ms. Jones, seconded by Mr. Vaughan, that Mr. Stolle be elected at Planning Commission Chair. The motion carried by the following vote:**

**Aye:** 7 - Ms. Jones, Ms. Norman, Mr. Nystrom, Mr. Vaughan, Mr. Furbee, Mr. Stolle and Lehman

### Election of Officers (Vice Chair)

**A motion was made by Ms. Norman, seconded by Ms. Jones, that Mr. Nystrom be elected as Vice-Chair of Planning Commission. The motion failed by the following vote:**

**Aye:** 3 - Ms. Jones, Ms. Norman and Mr. Nystrom

**Nay:** 4 - Mr. Vaughan, Mr. Furbee, Mr. Stolle and Lehman

**Election of Officers (Vice Chair)**

A motion was made by Mr. Vaughn, seconded by Mr. Furbee, to elect Mr. Lehman as Vice-Chair of Planning Commission. The motion was approved by the following vote:

**Aye:** 4 - Mr. Vaughan, Mr. Furbee, Mr. Stolle and Lehman

**Nay:** 3 - Ms. Jones, Ms. Norman and Mr. Nystrom

**Election of Officers (Subcommittee / Districts 6 and 8)**

Chair Stolle appointed Mr. Lehman chair of the Design Subcommittee for District 6.

**Election of Officers (Subcommittee / Districts 6 and 8)**

Chair Stolle appointed Ms. Jones as alternate chair of the Design Subcommittee for District 6.

**V. Correspondence**

Mr. Sugar noted one email was received after the others were sent to the Commissioners.

**VI. Public Discussion****VII. Approval of Minutes**

The previous minutes will be approved at the next meeting.

**This matter was discussed**

**VIII. Old Business**

There was no Old Business.

**IX. Public Hearings**

- A. [PC 2022-1041](#) A Conditional Use and Site Plan review request of additional fireworks storage containers for American Fireworks, a Fireworks Storage and Fireworks Retail Facility.

*Attachments:* [Staff Report 2022-1041](#)  
[Applicant Responses to Staff Report 1.9.23](#)  
[Site Plans](#)  
[Engineering Department Review](#)  
[Fire Department Review](#)  
[Storage Container Example](#)  
[Previous PC Recommendation and Council Legislation](#)  
[Site Photos](#)  
[Public Comments Received](#)

Chair Stolle noted three previous PC meetings have been conducted regarding the overall request, presented through a text amendment application resulting in a recommendation to City Council who amended the LDC.

Mr. Sugar introduced the application by displaying aerial photographs, reviewing previous Public Hearings, noting this is for an Conditional Use for seven storage containers and that three existing containers will be relocated. Mr. Sugar also described the mounding on the property, the work of the applicant with the City Engineer regarding storm water management, that an updated site plan was received the morning of the PC meeting, reviewed Buffer Yard "E" from the LDC with a staff recommendation for a 100-foot buffer, reviewed the setbacks from residential properties and non-residential properties, acknowledged receiving the quarterly report from American Fireworks and noted the swale on the site plan. Mr. Sugar then reviewed the staff comments and questions.

Mr. Tony Coyne, Land Use Counsel for American Fireworks, and Mr. Roberto Sorgi, American Fireworks Company, thanked the Commission and neighbors for working with American Fireworks on this application.

The Commissioners, staff and applicant discussed the written response to the staff comments regarding neighborhood compatibility and the buffer yard. Mr. Sorgi stated his agreement to install earthen mounds and buffer yard "E", however he noted the burden of increasing the Buffer Yard from 75-feet to 100-feet at this point in the process. Mr. Sorgi also noted that 1.3G pyrotechnics fireworks will be in the containers in their completed form.

Mr. Sorgi said six full time employees have keys to the containers, explained the process for opening the containers to get product for a show which is done during regular work hours for 48 weeks of the year with mostly morning overtime during the other four busy weeks. Mr. Sorgi then explained the containers are placed on recycled asphalt pads with a grounding wire, that there is an existing turnaround within approximately 200-feet of the proposed turnaround, that the new containers will not require additional onsite parking, that governmental organizations regulate American Fireworks, principally ATF and the State Fire Marshal, that mounding is not a requirement of ATF and that with the mounding and buffer yard "E", American Fireworks is significantly buffered.

Mr. Sorgi noted the crushed limestone well access road is utilized multiple times each day. The Commission and applicant discussed the problems of the staff requested sequence of plantings and construction.

The Commission and staff discussed the LDC language which refers to trailers as structures, how the containers meet the Architectural Conditional Use Standards, the reason for requiring excess buffering, the specific evidence of adverse impacts, which would require a 100-foot buffer yard, the definitions related to the asphalt service drive which do not prohibit it from being in the buffer yard, if the plant multiplier changes when the width of the buffer yard changes, the purpose of the recommended evergreens as opposed to shrubs, the lack of the required landscape plan being included in the packet and the purpose of placing the containers prior to plantings.

The Commission, applicant and staff discussed the orientation of the containers, the mound distance in relation to the containers being for visual and safety purposes, the analysis of the earth berms as required by the LDC, that LDC 1207.14b is specific to fireworks, that Buffer Yard "E" is in the Conditional Use for fireworks, that the doors must face

toward the interior of the lot - not necessarily the middle of the lot and that the maximum weight in one of the containers may be in conflict with the setbacks. American Fireworks described the reasons for not wanting to loop the access road into the property as: 1) Security. 2) It is not required by the fire marshal. 3) It creates more impervious surface. Discussion took place regarding, the two existing batteries on the north side being preexisting non-conforming and the requested Area "A" 100-foot buffer yard.

The Commission reviewed various locations of the existing buffer yard and staff noted in the Special Conditions for Fireworks the buffer yard should abut the property line. The applicant noted changing requests through the years of where buffer yards and mounds were to be placed, that the drainage swale will go in between the existing trees, that the mounds should be matched to the top elevation of the containers, the flow of the water across the property away from the neighborhood, the new retention pond and willingness to 'fill in' areas of existing buffer yard which the arborist feels needs additional plantings.

The Commission asked about a comment in an email regarding a demolition, neither staff nor the applicant is aware of any demolition. Mr. Sorgi noted that a compatible color for the containers is gray to match the existing containeers, that the containers will have labeling, a bar code provided by ATF and numbers on the outside. The staff comment regarding bonding was discussed and how frequently PC makes bonding a condition.

Chair Stolle opened the meeting for Public Comment.

Mr. Matthew Vansuch, attorney, noted an important question is how often a fireworks company requests to expand a non-conforming use in a residential area to become a permitted permanent use in the city. Mr. Vansuch also noted that the container could be turned to face inward on the property, the southeast container does not conform to the setback requirement and noted a dangerous business is trying to expand into a residential neighborhood.

Ms. Tina Griesse, 2068 Highgate Court, noted that every morning a truck goes along the gravel road behind her house and is seen by her cameras and that if a container explodes the explosion cannot be directed. Ms. Griesse also described the permitting process for building in Hudson, the neighbors desire for safety, the lack of buffering on the property and the lack of monitoring done by the City.

Ms. Sunita Steele, 1994 W. Highgate, noted the American Fireworks Permitting process, the applicants agreement with the residents attorney letter of December 3, 2022, Ms. Steel's objections to PC approving the application, inconsistencies in the submitted site plan, the wetness of her yard possibly getting worse if the application is approved, asked who is responsible for monitoring American Fireworks, the process for handling violations and noted the ambiguous definitions being used by the Commission.

Mr. Jeff Morris, 2058 W. Highgate Court, noted that American Fireworks should be held accountable for the work and reports as required in the 2014 approvals.

Mr. Craig Resnick, 1976 W Highgate, noted that Mr. Sorgi stated containers would not be placed near personal residences, that screening should not be left up to future planning with the arborist because it will not be done if it is not clearly defined, that the existing screening does not screen completely and noted a reasonable person's view of Text Amendment D will require all container doors be pointed to the interior of the property.

Seeing no one coming forward to speak, Chair Stolle closed Public Comment.

Mr. Coyne and Mr. Sorgi noted that the container near Ms. Steel's house will be moved as agreed to in the residents attorney's letter, that the containers are oriented to the center of the property, that outside regulatory agencies do monitor American Fireworks, denied that American Fireworks said they would not move the container nearest Ms. Steele's house and played portions of the October 31, 2022, PC meeting. Mr. Coyne noted the container at the southeast corner does not contain product, it is an equipment storage container and noted agreement with posting the requested bond.

Mr. John Sorgi, 44 Church Street, spoke regarding American Firework's request for tree planting guidelines. Mr. Sorgi

stated that the only question American Fireworks had regarding Ms. Steele's property was did she want the agreement to stay in place.

The Commission stated a landscaping bond is reasonable in this application as friction exists between the applicant and the neighbors. Mr. Nystrom questioned the locations and orientation of the containers in relation to the prior plan presented through the text amendment application. The Commission also noted that since the well access road is closer to the neighbors than the containers it will be difficult to buffer and the Commissioner's duty to look at facts and the LDC and then reviewed the staff recommendations item by item.

Staff noted the containers are not accessory structures since storage containers are an item in the LDC, the Laurel Lake approval was a Conditional Approval not a Site Plan, that notice of this meeting was send on December 22, 2022, that required end-of-year reporting has been received by the City and that final landscape drawings are needed prior to final approval.

The applicant noted the landscaping will be done - hopefully in a sequence that makes sense taking into account the weather and timing of approvals and that he believes City Council gave approval for the existing containers to remain as is.

**Ms. Norman made a motion, seconded by Mr. Lehman, that the application be Continued to the next regularly scheduled meeting with a requirement the applicant provides:**

- **A detailed landscaping and grading plan**
- **An estimate submitted by a landscape professional for the landscaping plan**
- **Revise the site plan to show Container A as existing and note Container B would be for equipment storage only**
- **Address the review letters from the City Engineer and Fire Marshal with a revised submittal**
- **Revise mounding elevation/detail to note each mound would match the actual height (elevation) of each container.**

**The motion was approved by the following vote:**

**Aye:** 7 - Ms. Jones, Ms. Norman, Mr. Nystrom, Mr. Vaughan, Mr. Furbee, Mr. Stolle and Lehman

## **X. Other Business**

## **XI. Staff Update**

Chair Stolle stated the PC revised administrative rules will be discussed at a future meeting.

Staff stated it is anticipated there will be applications for the February meeting and an appeal of the PC approval for Hudson Community Living is scheduled to go before BZBA.

Chair Stolle reminded the Commissioners the Hudson Community Living case should not be discussed since an appeal is pending.

Three Commissioners stated they will not be at the February PC meeting.

**This matter was discussed**

## **XII. Adjournment**

**A motion was made by Mr. Lehman, seconded by Ms. Jones, that the meeting be adjourned at 10:20 p.m.. The motion carried by an unanimous vote.**

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**Ronald H. Stolle, Chair**

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**Joe Campbell, Executive Assistant**

*Upon approval by the Planning Commission, this official written summary of the meeting minutes shall become a permanent record, and the official minutes shall also consist of a permanent audio and video recording, excluding executive sessions, in accordance with Codified Ordinances, Section 252.04, Minutes of Architectural and Historic Board of Review, Board of Zoning and Building Appeals, and Planning Commission.*

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