

BEFORE THE ALLEN TOWNSHIP TRUSTEES  
VAN BUREN, OHIO

- - -

In Re: Public Hearing

- - -

TRANSCRIPT OF PROCEEDINGS

- - -

Tuesday, August 6, 2024  
7:00 p.m.

Van Buren High School  
217 South Main Street  
Van Buren, Ohio 45889

- - -

SUSAN L. COOTS, RPR  
REGISTERED PROFESSIONAL REPORTER

- - -

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APPEARANCES:

CINDY LAND, Attorney at Law  
Hancock County Prosecuting Attorney's Office  
514 South Main Street  
Suite B  
Findlay, Ohio 45840  
(419) 424-7089  
lmland@co.hancock.oh.us  
On behalf of the Allen Township Trustees.

BOARD MEMBERS:

Melford "Joe" Smith, Chairperson  
Kevin Flanagan, Township Trustee  
Roger Clark, Township Trustee  
Mark Schimmoeller, Township Fiscal Officer

ZONING COMMISSION MEMBERS:

John Timmerman, Chairperson  
Deb Stacy, Secretary  
Clara Pargeon

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TUESDAY EVENING SESSION

August 6, 2024

7:00 p.m.

- - -

P R O C E E D I N G S

- - -

BE IT REMEMBERED THAT, on the 6th day of August, 2024, this cause came on for public hearing before the Allen Township Zoning Commission. And the parties appearing in person and/or by counsel, as hereinafter set forth, the following proceedings were had:

CHAIRPERSON SMITH: Okay, everyone. My name is Milford Smith. I'm going to call this meeting to order.

I'm going to introduce the chairman -- or the trustees. Like I said, my name is Milford Smith. A lot of people may know me by Joe Smith; I'm the Chairperson.

To the left of me is Kevin Flanagan. He's the Vice Chair. And we have Roger Clark, he's our third trustee. And Mark Schimmoeller, he's our fiscal officer.

Over at the next table, we have Cindy Land; she's from the county prosecutor's office. Then we have John Timmerman, he was the Chairman for the

1 Zoning Commission, and, then, Deb Stacy. She was the  
2 secretary. And, then, Clara Pargeon, she was also a  
3 chair -- or zoning commission.

4 I guess I need to -- Mark, was this entered  
5 into the record of certification of publication?

6 MR. SCHIMMOELLER: Yes, it was all properly  
7 noticed.

8 CHAIRPERSON SMITH: Okay. Thank you.

9 The reason for this meeting is to consider  
10 proposed Allen Township Comprehensive Zoning Plan and  
11 Map and the recommendations from the Regional Planning  
12 Commission and the Allen Township Zoning Commission  
13 regarding the plan.

14 So, I mean, we've got the books. We've got  
15 the map over there. If everybody's had a chance to  
16 look at those or the map. And we've got a few extra  
17 book up here, if anybody needs one.

18 So -- excuse me -- so I guess, from there,  
19 we're going to ask -- we've got some people that  
20 wanted to sign up to comment, so I guess we need to  
21 swear them in if they would like to talk.

22 VICE CHAIRPERSON FLANAGAN: I'll take care  
23 of that. Anyone that signed up that wants to speak,  
24 if you would -- if you would stand, please, and raise  
25 your right hand.



1 annex in any business.

2 That's what my concerns are, gentlemen.

3 Thank you.

4 VICE CHAIRPERSON FLANAGAN: Next up is  
5 Zoie Zirger.

6 - - -

7 ZOIE ZIRGER,  
8 being first duly sworn, as prescribed by law,  
9 testified as follows:

10 MS. ZIRGER: Hi, my name is Zoie Zirger.

11 The question I have is, after this meeting,  
12 if it is approved and everything, does this mean this  
13 Resolution will go to the Board of Elections tomorrow,  
14 August 7th, 2024, for the November ballot?

15 VICE CHAIRPERSON FLANAGAN: That's a  
16 difficult question to answer, Zoie, because we are  
17 still in -- we're still in this legal battle, legal  
18 conversation with their side, so we don't know for  
19 sure. That's -- that's where it stands. And since  
20 we're in this legal stuff, I really can't comment any  
21 further than that. But yeah.

22 We do have our meeting tomorrow night, our  
23 trustee meeting, and I'm sure it will be discussed  
24 then more fully than what we can tonight.

25 Next up is Tim Hunsaker.

1                                   TIM HUNSAKER,  
2       being first duly sworn, as prescribed by law,  
3       testified as follows:

4                   MR. HUNSAKER: I haven't had much of a  
5       chance to read the zoning proposal, though I think  
6       that we ought to have zoning here.

7                   My question is: I didn't see anything on  
8       there that had anything to do with nuisance  
9       properties, and I think it was a couple months ago,  
10      I was only able to make one of the meetings.

11                  But they had another one on the following  
12      night out at the township building, and I dropped off  
13      two or three different villages, city, so on and so  
14      forth, of how they set up for their nuisance  
15      properties, what was considered a nuisance, so on and  
16      so forth, and what was done about that.

17                  My concern is is that I live on 218, across  
18      from the campground. I'm sure everybody here is  
19      familiar with the Laffterty Bait Shop, or whatever  
20      that is over there. But we've got to do something  
21      about cleaning that mess up over there.

22                  I mean, I can -- I mow the -- my grass.  
23      There's 11 riding mowers next door. That's just what  
24      I can see from the house. We've had problems with  
25      rats getting into the garage. Snakes, all the time



1 anymore. The cats are out of control over there.  
2 I've called the health department before; they won't  
3 do anything about it. The garbage is piled up  
4 everywhere. I never even seen a garbage truck stop  
5 over there and pick anything up.

6           The other problem is is it seems like every  
7 day there's just more and more and more junk over  
8 there. If anybody drives by, you can see the fence  
9 that they erected out there. It's falling down.  
10 Behind that is junk cars. The other day I counted  
11 11 vehicles over there. That doesn't include the  
12 campers that I don't know how many people are living  
13 in back there.

14           For a year or two, their -- their bathroom  
15 back there was basically three walls made out of a  
16 pallet or pallets and a cap for a pickup truck was the  
17 top of it. And the place is just out of control. I  
18 talked to the health department; they won't do  
19 anything about it. I asked -- I asked when was the  
20 last time the septic tank was ever inspected, they had  
21 no idea. Nothing.

22           But, I mean, that place is a dump over  
23 there, and it just seems to keep getting progressively  
24 worse. And I just want to know if there's going to be  
25 anything in the zoning about nuisance properties. Is

1 it -- there's probably a couple other properties --  
2 I know that there is probably in our area, but nothing  
3 like that.

4 So that was my only question, if there's  
5 going to be something in there about --

6 VICE CHAIRPERSON FLANGAN: Since we've got  
7 some of the zoning commission members here, I'm going  
8 to let them speak to that, if that was discussed in  
9 their meeting, because I didn't attend every meeting  
10 they had either. So we'll let -- we'll let one of  
11 them handle that.

12 MR. HUNSAKER: Okay. All right. Thank you.

13 CHAIRPERSON TIMMERMAN: Thanks. Quickly,  
14 there is something in there regarding nuisance  
15 properties. We're trying to remember what page that's  
16 on to -- to look it up.

17 MR. HUNSAKER: If you can tell me what it  
18 is, I can look it up.

19 VICE CHAIRPERSON FLANAGAN: Cindy, could you  
20 spread any more light on when there is a nuisance,  
21 there's supposed to be some channels to go through,  
22 like the health department. He said he spoke to them  
23 and didn't get anywhere. Am I thinking right that  
24 there are some channels to follow?

25 MS. LAND: Actually, probably the easier

1 channels to follow would be you guys doing something  
2 about it outside of zoning.

3 VICE CHAIRPERSON FLANAGAN: Okay.

4 MS. LAND: You have the option to clean  
5 somebody's property up and put it on their taxes. It  
6 takes a procedure.

7 Mark, probably -- do you still have that  
8 book I sent you that -- I send it out -- I send it out  
9 about every five years and I update it in between  
10 there.

11 It's about what procedures and resolutions  
12 you need to go through for vegetation and garbage and  
13 for junk cars. If you don't have it, I can get it to  
14 you again. But that's an option with or without  
15 zoning. It's probably more effective that way than  
16 through zoning.

17 CHAIRPERSON TIMMERMAN: Thanks.

18 VICE CHAIRPERSON FLANAGAN: That's the only  
19 three people that we have on the list, unless --

20 MS. LAND: There's also a list.

21 CHAIRPERSON TIMMERMAN: Was she on the list  
22 or did she just stand up?

23 MS. LAND: She just stood up.

24 VICE CHAIRPERSON FLANAGAN: Okay. Is there  
25 anyone else that wants to speak that may have signed

1 the list after we got this first list up here?

2 UNKNOWN SPEAKER: Here we go.

3 MS. TIMMERMAN: I signed in.

4 VICE CHAIRPERSON FLANAGAN: Okay. Well,  
5 that must be a list that we didn't get brought up  
6 forward.

7 But Denise Timmerman will go next.

8 CHAIRPERSON TIMMERMAN: That's right here.

9 MS. LAND: Okay. They did find that  
10 section.

11 CHAIRPERSON SMITH: Okay. If you want to --

12 CHAIRPERSON TIMMERMAN: Do you want to read  
13 it?

14 MS. LAND: Just tell them what section it  
15 is.

16 CHAIRPERSON TIMMERMAN: So -- so it was --  
17 it was added to Page 43, Section 1507, added new  
18 Paragraph No. 4. For the -- the -- it says Junk  
19 Vehicles and Rubbish. There's a -- there's a  
20 paragraph there regarding that.

21 VICE CHAIRPERSON FLANAGAN: Okay. So that  
22 was not in the original printed book, correct? That  
23 was one of the amendments --

24 CHAIRPERSON TIMMERMAN: Correct.

25 VICE CHAIRPERSON FLANAGAN: -- with the

1 additions?

2 CHAIRPERSON TIMMERMAN: Would that be in  
3 the book that's --

4 MS. LAND: Yeah.

5 CHAIRPERSON TIMMERMAN: If they have a  
6 copy -- like, the newest copy?

7 MS. LAND: It's still attached to the newest  
8 copies of the book. It's on the back.

9 CHAIRPERSON TIMMERMAN: Okay. So it's an  
10 attachment on the back.

11 MS. LAND: And I think it's online. It's  
12 been added.

13 MR. SCHIMMOELLER: Yeah.

14 CHAIRPERSON TIMMERMAN: Okay.

15 MR. SCHIMMOELLER: It's on the very last  
16 page of the book at the top section. Very last page  
17 of the book.

18 MS. LAND: If you got the back book after  
19 the zoning commission's meeting. If you didn't, it's  
20 not there yet and we can -- you can get one that does  
21 have it with it.

22 MR. SCHIMMOELLER: I have -- I have a  
23 handful of copies of the most current book with the  
24 amendments and, then, also the most current book with  
25 the amendments is also on the website.

1                   CHAIRPERSON TIMMERMAN: Do you want to read  
2 it?

3                   SECRETARY STACY: "Junk Vehicles and  
4 Rubbish.

5                   "Junk vehicles and/or rubbish, including,  
6 but not limited to, unlicensed vehicles not being used  
7 in agriculture or abandoned, wrecked, dismantled, or  
8 totally disabled automobiles, trucks, trailers,  
9 aircraft, or discarded furniture, appliances, or other  
10 miscellaneous materials shall not be permitted to  
11 remain exposed on the premises for no more than 30  
12 days. Any such junk or rubbish as described above  
13 shall be totally obscured from view of all adjoining  
14 properties and from the street or road."

15                   VICE CHAIRPERSON FLANAGAN: Thanks.

16                   Denise, you can go ahead.

17                   - - -

18                   DENISE TIMMERMAN,  
19 being first duly sworn, as prescribed by law,  
20 testified as follows:

21                   MS. TIMMERMAN: Not meant for short people.

22                   Anyhow, I would hope that Allen Township  
23 would take notice of all of this and actually read the  
24 book for themselves and make an appointed decision.

25 I trust that you trustees have done that and are going

1 to make the wisest decision based upon the people's  
2 concerns.

3 So I just want to thank the commission for  
4 doing their job. It has been a lot of painstaking  
5 hours. I know from the back end of things, just  
6 seeing kind of some of the things that go on.

7 I just know that there's a lot of heart that  
8 has gone into it and a lot of thought. It's not just  
9 been this willy-nilly put-together thing. So I would  
10 encourage everyone to read it for themselves.

11 And I want to thank the trustees. I don't  
12 know how anyone will ever run for a trustee in this  
13 township ever again. This has -- this has been a very  
14 hard road to go. So I want to thank you for your  
15 service. And, yeah, I'll leave it there.

16 Thank you.

17 VICE CHAIRPERSON FLANAGAN: Could someone --  
18 Mike, would you mind going to the back and making sure  
19 they don't have any sheets with any other names on it  
20 that we don't have up here?

21 And if you did not sign the sheet and you're  
22 thinking now, well, there's something that I would  
23 like to comment on, you know, we can still take your  
24 name down and swear you in. That's not an issue.  
25 This is -- this is your chance.





1 work, but it's -- it's a lot of grinding and getting  
2 it done. I appreciate it. I think this will help  
3 protect property values in the county. I support it  
4 100 percent.

5 That's it.

6 VICE CHAIRPERSON FLANAGAN: Thank you.

7 Next up is Mark Fenstermaker.

8 - - -

9 MARK FENSETERMAKER,  
10 being first duly sworn, as prescribed by law,  
11 testified as follows:

12 MR. FENSTERMAKER: Hi, I'm Mark  
13 Fenstermaker.

14 I, too, want to agree with you. I'm glad  
15 that you guys have put in the hard work to go through  
16 all this. I think you've been overall through the  
17 zoning process, there -- it's very opportunistic for  
18 most people to not be affected by it.

19 However, I'm one of the three -- I'm one of  
20 the three people that live up here in the I-1 Zone, so  
21 I guess I've got a couple of questions.

22 Is -- does any discussion after this meeting  
23 take place to make any amendments or anything, or is  
24 this just a formality for us to get up here and speak  
25 our piece to push this on through? That's one

1 question.

2 The second question is, is what -- what  
3 really is the reason to have this area as the I-1?

4 Nothing in Wood County is I-1 Industrial  
5 here. It's a zoned county, Bloom Township. Above  
6 where the State House is, that's the only triangular  
7 area in front of McDonald's that's zoned Industrial in  
8 Wood County.

9 So I raise the question why it's actually  
10 needed at this moment in time to put the I-1 zoning in  
11 that area.

12 I think, with a couple of other concerns  
13 here, it may be better off to get zoning passed  
14 through without that I-1 area in the zoning book.  
15 I don't see the need for it. It doesn't -- I think it  
16 can invite people in.

17 But, at the moment, I don't see that  
18 anything is encroaching in that area to take advantage  
19 of that as -- as give them -- give them the  
20 opportunity to grow in our township because, like  
21 I said, the Bloom Township up there is not zoned  
22 Industrial right now; it's zoned Agricultural.

23 So that would be a narrow strip that is --  
24 could be, you know, brought into the Industrial  
25 with -- you know, this is State land here that people

1 enjoy and hunt and walk and do things down here  
2 (indicating). There's plenty of -- there's nine or so  
3 houses here across the road from this that would be  
4 affected from that if it does get, you know,  
5 propagated into the Industrial.

6 So that's my only concern is why, at this  
7 moment in time, does that have to be considered as an  
8 I-1?

9 Otherwise, like I've stated, I think the  
10 book is pretty reasonable to all the citizens of Allen  
11 Township, for all the residents and everything in the  
12 township to address the issues of encroaching  
13 businesses.

14 So that's all.

15 VICE CHAIRPERSON FLANAGAN: I believe --  
16 I believe I know why they did it from their  
17 explanation sooner, but -- or in the past, but since  
18 they are here, I will let them shed a little more  
19 light on that for you.

20 CHAIRPERSON TIMMERMAN: Yeah. Okay. From  
21 the very start, without being zoned, we have houses  
22 everywhere through this township. And from the very  
23 start, because of that, I said no matter where you put  
24 the Industrial, somebody -- it's going to affect  
25 people. There is no place to put it that doesn't

1 affect houses.

2           Unfortunately, yours is one of the houses  
3 that's located right where we put it. That area there  
4 has less houses than any other similar-sized area in  
5 the township is why we chose that spot, probably  
6 with -- along with other ideas. But the idea was to  
7 protect residents. Again, unfortunately, your house  
8 is one of the few that are there.

9           The reason we made it Industrial now versus  
10 I think what you're hinting at is us figuring it out  
11 later is, if -- if you leave it Agricultural, any --  
12 any farmer can sell their land and more houses get  
13 there, it affects more people.

14           The idea was to kind of reserve that  
15 property long term to not have houses go into it, to  
16 have a place for Industrial, protect the -- protect  
17 the residents from it.

18           Anything you want to -- that was -- to me,  
19 that was my main strategy with it.

20           SECRETARY STACY: There is some  
21 infrastructure located there. Of course, we have the  
22 Interstate close by. We have a major rail system that  
23 goes through the center. Actually, Allen Township has  
24 two major railways going through it. And, then, as  
25 soon as you, kind of, jump to the north of State Route

1 18, there is yet another major railway that's located  
2 there. We already have an expressway area and  
3 McDonald's, so water and sewer appears to be right  
4 there at the railroad tracks.

5 We also were aware of development --  
6 commercial -- an industrial development that's right  
7 at the edge of the City of Findlay. The City of  
8 Findlay tends to be a bit aggressive in coming out to  
9 Allen Township and claiming that for themselves, so we  
10 thought we would go in a different direction; so that  
11 were -- that was some of the thoughts that we had in  
12 discussing that.

13 If -- the farm ground that's there, if the  
14 landowners choose to keep ag, they certainly have that  
15 right.

16 CHAIRPERSON TIMMERMAN: To -- to -- to your  
17 point, again, I think you said there's nine houses  
18 right there. We did try to protect them by putting,  
19 like, a B-3 District right there, rather than having  
20 Industrial right on top of them. Again, there --  
21 there's no perfect answer in that and that's just kind  
22 of how it came to be.

23 MR. FENSTERMAKER: That area there is the  
24 only major area that got added into Allen Township.  
25 Everything else got zoned what it currently was and

1 that big area got Industrial. Right. Residential  
2 remained Residential. Agricultural remained  
3 Agricultural. Small businesses stayed small  
4 businesses and were already there (unintelligible).

5 CHAIRPERSON TIMMERMAN: Right.

6 MR. FENSTERMAKER: Adding a large area  
7 anywhere else would have been a bad idea. So that's  
8 not the question. Is why put it into this  
9 (unintelligible) if you really want to pass this and  
10 not affect (unintelligible).

11 CHAIRPERSON TIMMERMAN: Again, it -- again,  
12 it's -- it's --

13 MR. FENSTERMAKER: (Unintelligible) know  
14 instead of (unintelligible).

15 CHAIRPERSON TIMMERMAN: Yeah. I -- again,  
16 it's -- it's really to -- to protect that other houses  
17 don't go into that area. If -- if more houses go in  
18 and, then, we need an Industrial area in the future,  
19 it affects even more people.

20 MR. FENSTERMAKER: I'd rather have houses  
21 than Industrial in a township that I moved into 17  
22 years ago, built my house 17 years and made a home for  
23 me and my family. So that's why we chose that area.  
24 It's not to have (unintelligible) peace and quiet  
25 (unintelligible).

1                   CHAIRPERSON TIMMERMAN: I -- I can  
2 understand that.

3                   MR. FENSTERMAKER: I understand there's two  
4 sides to the story as well.

5                   CHAIRPERSON TIMMERMAN: Yeah.

6                   SECRETARY STACY: Are you also aware that  
7 there is an effort underway in Wood County that  
8 abuts up against Allen Township and Hancock County for  
9 35,000 acres of farm ground to be converted to wind  
10 that will extend basically in an L-shape pattern from  
11 the east side of the Interstate and heading east to  
12 Fostoria?

13                   If 35,000 acres of farm ground is converted  
14 to 600-foot wind turbines, I don't know how many wind  
15 turbines that would entail. They said 1 acre per wind  
16 turbine, but I don't know the spacing. That could  
17 easily -- also, if we're not zoned, there's nothing to  
18 stop that from being in Allen Township.

19                   MR. FENSTERMAKER: That's currently zoned  
20 Agricultural right now, Wood Township, all of the  
21 (unintelligible) keeping that zoned Agricultural  
22 (unintelligible) township (unintelligible).

23                   CHAIRPERSON TIMMERMAN: It's not my meeting.

24                   SECRETARY STACY: Oh, okay. Your meeting.

25                   CHAIRPERSON TIMMERMAN: Do you guys want to

1 allow --

2 VICE CHAIRPERSON FLANAGAN: Pardon?

3 MS. LAND: If you guys want to continue this  
4 conversation or how do you want to handle it? It's up  
5 to you guys. It's your meeting.

6 CHAIRPERSON TIMMERMAN: Mike was -- had his  
7 hand up, too. I don't think you saw that.

8 VICE CHAIRPERSON FLANAGAN: We appreciate  
9 your concern, and we'll take it under advisement when  
10 we consider the whole rest of the thing. But it --  
11 I -- I see your points. When we're currently unzoned,  
12 you do understand that the wind turbines could come  
13 with -- with no regulation whatsoever, so -- okay.

14 CHAIRPERSON TIMMERMAN: I think he's talking  
15 all of the land around them (unintelligible).

16 MR. FENSTERMAKER: (Unintelligible) listen  
17 to us (unintelligible).

18 VICE CHAIRPERSON FLANAGAN: Right. Right.

19 MR. FENSTERMAKER: (Unintelligible) that's  
20 why they had that zoning commission, we all sat there  
21 and voiced our opinion and some other discussion  
22 (unintelligible).

23 VICE CHAIRPERSON FLANAGAN: Right.

24 MR. FENSTERMAKER: So what good does it do  
25 us? Just a formality? (Unintelligible) legally



1 (unintelligible) discussion. (Unintelligible).

2 VICE CHAIRPERSON FLANAGAN: We can discuss  
3 it. You are correct. But it is -- it is a legal  
4 thing. That's why we have to have the hearing.  
5 That's why they had to have their hearing. That's why  
6 it has to be so many days. All those things are set  
7 in Ohio Revised Code that we do need to follow.

8 But, yes, there's no reason we can't have a  
9 discussion. That's perfectly -- that's perfectly  
10 acceptable.

11 MR. FENSTERMAKER: I did not -- I didn't see  
12 any discussion of the zoning (unintelligible).

13 VICE CHAIRPERSON FLANAGAN: I understand  
14 what you're saying. I understand what you're saying.

15 CHAIRPERSON SMITH: Well, I think he did  
16 discuss and tell why he did it, but...

17 VICE CHAIRPERSON FLANAGAN: Is there anyone  
18 else that did not sign that would like to speak?

19 Mike, if you'd come and sign the register  
20 and I will swear you in also.

21 - - -

22 And, thereupon, the speaker was sworn.

23 - - -

24 VICE CHAIRPERSON FLANAGAN: Thanks. Go  
25 ahead.

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MIKE STACY,

being first duly sworn, as prescribed by law,  
testified as follows:

MR. STACY: I just want to address the last gentleman that spoke. There has to be a spot in the Zoning Regulations and the map for Industrial.

As we are unzoned, we own farm ground not too far from where you live. I have in my hand at least four letters that my wife and I have received in the last six months and they all pertain to solar or wind or any other development that wants to come.

I don't like Industrial either. But I understand why that spot was chosen because, if it's down here where we already have Industrial, it's just another carrot out there for the City of Findlay to get their fingers on.

By doing it there, it is zoned Industrial, but the landowners have the ability to not sell it for Industrial. And if it's not zoned at all, they can sell it for whatever there is that they want to sell it for.

We don't intend to sell any of our farm ground for any kind of development. We purchased it to grow crops and we purchased it to pass on to our kids. We have a son and daughter-in-law that are

1 involved in our farming operation, and they have two  
2 children, and we are hoping that that would be the  
3 sixth generation that would be farming this ground.

4 Thank you.

5 VICE CHAIRPERSON FLANAGAN: Once again --  
6 once again, I'll make the offer, if there's anyone  
7 that has decided, with the discussion that's taken  
8 place, that, Hey, I do have something I want to say,  
9 raise your hand, and we'll -- we'll take care of that  
10 because we're not going to hold you here all night  
11 asking. But...

12 Zoie's got her hand up. You are already  
13 sworn in, so go ahead.

14 UNKNOWN SPEAKER: (Unintelligible).

15 VICE CHAIRPERSON FLANAGAN: Exactly.

16 - - -

17 ZOIE ZIRGER,  
18 being previously duly sworn, as prescribed by law,  
19 testified as follows:

20 MS. ZIRGER: Hello again. I just want to  
21 speak on that matter as well.

22 I've been to most of the zoning commission  
23 meetings, so I kind of tried to sit through and not  
24 fall asleep, but I did retain a lot.

25 So if you guys don't know, this whole thing

1 about the Black Swamp Combinator, Findlay is in with  
2 Marathon. Marathon is in with One Energy. They're  
3 trying to develop something big in Allen Township.  
4 We're unzoned, so they can do whatever they want.  
5 Okay.

6           So their little gray down there  
7 (indicating), Findlay is planning on annexing that.  
8 That means that's Findlay, then we have zero I-1. So  
9 if we have I-1, it's got to be -- you need the  
10 distance. You need to stay away from Findlay.

11           Findlay is trying to annex everything, and  
12 they're going to take the big money first. So I just  
13 want to -- everything's coming full circle as we dig  
14 deep into stuff. And the research is starting to  
15 point at Findlay grabbing everything, but they've got  
16 to get things started and they need Allen Township  
17 unzoned to do that.

18           So we need to protect ourselves. And  
19 I totally understand it's out in the middle of  
20 nowhere. I get it. But if it goes their way, we have  
21 nothing, and we have no money coming into Allen  
22 Township, and, then, we'll just get picked apart.

23           So I'm sure, in the future, it is a --  
24 what's the word I want to use?

25           It can be changed.

1 SECRETARY STACY: Living document.

2 MS. ZIRGER: Huh?

3 SECRETARY STACY: Living document.

4 MS. ZIRGER: Oh, there you go. It's a  
5 living document, so it can be changed. If there's a  
6 problem and everything's -- you know, goes through,  
7 and you have a big problem and you can, you know, hash  
8 it out and have an explanation for somewhere else for  
9 it to go, then you can bring it to them and they can  
10 totally, you know, look into it and have a  
11 conversation about it. And if they agree with you,  
12 absolutely, they can change it.

13 So they're not -- they might not be able to  
14 say it but I'll say it. You know, it ain't going to  
15 hurt me. So I just want everybody to know that it is  
16 a living document. It can change. If enough people  
17 have a problem with something, bring it to them, have  
18 the conversation, and just be -- you know, we'll just  
19 be adults about it, and we'll change it if we have to.

20 So that's all I wanted to say and speak on  
21 that.

22 CHAIRPERSON TIMMERMAN: Can I touch base  
23 real quick?

24 Can -- all right. You can hear me.

25 Going along with what Zoie just said, in the

1 past week, I've seen a -- it's the Land Use Plan that  
2 the City of Findlay proposed in 2007, and the Land Use  
3 Plan goes all the way up north of the landfill, so the  
4 City of Findlay is planning on using half of our  
5 township for themselves. So they do have big plans to  
6 annex in whatever they can annex in and take over  
7 whatever they can take over. So just -- just be aware  
8 that it's out there, I guess, is my point.

9 VICE CHAIRPERSON FLANAGAN: Since Zoie did  
10 get to go twice, if anyone that spoke would like a  
11 second turn, you're more than welcome to do that.  
12 So...

13 We'll need you -- we'll need you to sign in.

14 - - -

15 And, thereupon, the speaker was sworn.

16 - - -

17 MR. BADERTSCHER: So this --

18 VICE CHAIRPERSON FLANAGAN: Mark, would  
19 you -- would you state your name for them?

20 MATT BADERTSCHER,  
21 being first duly sworn, as prescribed by law,  
22 testified as follows:

23 MR. BADERTSCHER: Oh, Matt Badertscher.  
24 Sorry. Township Road 215.

25 This is scary, especially if you live out

1 there. And I -- I understand. But, again, if it's  
2 farm today and the farmers don't sell, it's still  
3 farming.

4 But what we've pointed out is that Findlay's  
5 plans are real. I've even heard their plans go all  
6 the way up to 18. How that would work, I don't know,  
7 and it's over time, so it is a real problem.

8 Findlay amended their zoning plan a year  
9 ago, August, to include wind turbines of up to  
10 499 feet tall, plugged into a single user, which is  
11 exactly what is going on with the ten that are out  
12 there right now. Well, nine and a half that are going  
13 on out there right now.

14 I would also point out to this group that  
15 that company, One Energy, they are very into telling  
16 everybody to be transparent, but they are not  
17 transparent with us and that poses a serious problem.

18 The wind turbines that are up, the nine and  
19 a half of them that are up, what are we going to do  
20 with this one that's sitting there in disrepair?

21 This zoning book includes a plan or a  
22 requirement that they have to either repair or  
23 dismantle in a certain amount of time. I think this  
24 zoning book is 60 days. Findlay's is six months.  
25 We're going on eight months that that has been sitting

1 there like that, just sitting, rotting. Okay.

2 I don't know this for sure, but it would be  
3 my guess that there is no intention of that turbine or  
4 any of the other ones, when they go, because they all  
5 go -- there's a life to them. They might tell you  
6 30 years, but it's probably 20. That one didn't last  
7 10, I don't think. I didn't do the exact math. But  
8 this poses a problem. Who is going to pay to  
9 disassemble the broken turbines when it happens? Not  
10 if it happens. When. When.

11 We're talking to their camera over here.  
12 They have sued everybody and their brother up here on  
13 this committee. Everybody. At least two lawsuits  
14 separate to try and stop this. For what purpose? Why  
15 do that, unless you have predatory and not very nice  
16 neighborly things to do with the rest of the township.

17 Not a single one of those turbines could  
18 have been built if it was going by the Ohio Power  
19 Siting Board rules. They couldn't. You have to be  
20 1,300-and-something-odd feet away from property lines.

21 Now they're talking about putting 600-foot  
22 turbines. I see one of our neighbors in the back.  
23 600 feet is how tall the turbine is going to be.  
24 Their property rests -- well, they have a structure  
25 that rests about 550 feet away. Another group has --



1 another one of our neighbors has property -- their  
2 property is about 500 feet away.

3 At some point we have to stop this. We have  
4 to do what we can. And, again, I'm -- I'm talking  
5 to -- to you folks. You know, we know each other.  
6 It -- it stinks.

7 But from what legal counsel has -- has  
8 said -- I was at a lot of the meetings, too, with my  
9 friend Zoie. This is -- this is it. This is how we  
10 at least stop this from infecting the rest of our  
11 township. And that's what it is. Because if we don't  
12 stop it, we all, as taxpayers, are going to help pay  
13 to take them down.

14 They are all in separate LLCs. Okay.  
15 Anybody know what an LLC is? It's a Limited Liability  
16 Company. If your only asset is a wind turbine that  
17 doesn't work, well, all of a sudden you're bankrupt.  
18 So how are we going to get the money to pay to take it  
19 down?

20 Again, One Energy is not communicating and  
21 telling us that they have a bond which, in the zoning  
22 book, I believe it calls for a -- they can tell you  
23 the exact wording. It requires that, if you're going  
24 to put one up, you have to have a bond written --  
25 before it can break ground, you have to have a bond

1 written that's held until it comes down, till it's  
2 taken down. That bond covers the cost of that.

3 I'd really like to get an answer from the  
4 folks at One Energy to see if they actually have that  
5 kind of thing or what they're going to do with this  
6 blight on our township.

7 Anyway, I'm sorry I went too long. Have a  
8 great day.

9 VICE CHAIRPERSON FLANAGAN: Anyone else that  
10 would like to speak for the first time, or if they  
11 want to repeat if they already spoke?

12 MR. FENSTERMAKER: I'd like to have a second  
13 (unintelligible).

14 VICE CHAIRPERSON FLANAGAN: Okay.

15 - - -

16 MARK FENSTERMAKER,  
17 being previously duly sworn, as prescribed by law,  
18 testified as follows:

19 MR. FENSTERMAKER: So a good question that  
20 got raised is is I-1 a requirement in the zoning. So  
21 can their legal representation here answer that  
22 question? Is it required in a zoning township?

23 MS. LAND: There has to be a place for every  
24 type of zoning.

25 MR. FENSTERMAKER: Okay. So if we don't

1 have one, which I think we do, right? We have I-1s,  
2 I-1s. We have I-1s. Checkmark that.

3 So I -- I -- I agree and, like I mentioned,  
4 I'm -- I'm -- you guys did a great job on -- on -- on  
5 the book. I think it does afford all the -- the  
6 residents the ability to still do what they want to  
7 do.

8 So, again, my question is, is why is this  
9 needed at this moment? You've answered my question.  
10 It's a living document. If we don't need it now, why  
11 do we have to have it now?

12 If we see that Bloom Township zones this  
13 Industrial, and we're getting some potential business  
14 there, we can go back to the voters and say, Hey, we  
15 have a good source of income that's not going to get  
16 annexed from Findlay. We can address it at that  
17 point.

18 One of my suggestions was take this small  
19 area right here, leave this one little tiny area that  
20 butts up against that as I-1 to say, Here is an  
21 opportunity for somebody to come into the township and  
22 provide us some financial support. But not this  
23 entire area. That does affect the three people with a  
24 house here, house here, house up here (indicating).

25 So I -- I just want to reiterate that

1 multiple people have said it. It is a living  
2 document. Is it needed now is my main question? Why  
3 do it now?

4 So that's all. But I agree that we need to  
5 stop the windmills. Not necessarily stop them,  
6 control them where they're at. That's good -- it's  
7 good. It's a potential business. It's potentially  
8 good environmentally. All that stuff. But zoning  
9 isn't terrible. But...

10 VICE CHAIRPERSON FLANAGAN: Okay. This is  
11 going to be your last chance for anybody. Anybody new  
12 that hasn't spoken, or if any of you have any  
13 questions for us or for the zoning commission, you're  
14 welcome to ask those at this point in time.

15 Seeing none, we will move on with the rest  
16 of the meeting then.

17 All right.

18 CHAIRPERSON SMITH: All right. I guess  
19 I'm going to make a motion to take the issue under  
20 advisement and consider -- and consider it at the  
21 Allen Township Trustee regular meeting on August 7th,  
22 2024, to render a decision as to the issue of whether  
23 to adopt, deny, or modify the Proposed Allen Township  
24 Comprehensive Zoning Plan and Map.

25 MR. SCHIMMOELLER: You moved, correct?

1 CHAIRPERSON SMITH: I made a motion. Yes.

2 VICE CHAIRPERSON FLANAGAN: I will second  
3 that motion.

4 MR. SCHIMMOELLER: Okay. Joe.

5 CHAIRPERSON SMITH: Yes.

6 MR. SCHIMMOELLER: Kevin.

7 VICE CHAIRPERSON FLANAGAN: Yes.

8 MR. SCHIMMOELLER: Roger.

9 TRUSTEE CLARK: Yes.

10 VICE CHAIRPERSON FLANAGAN: So anyone that  
11 would like to attend our meeting tomorrow night,  
12 obviously, they're all open public meetings, so you're  
13 welcome to come to that as well, if you would like.  
14 And the website will have the information if you're  
15 not able to make the meeting.

16 So I want to thank you all for coming.  
17 I'd also like to thank the zoning commission --

18 CHAIRPERSON SMITH: Yes.

19 VICE CHAIRPERSON FLANAGAN: -- for all of  
20 their work.

21 CHAIRPERSON SMITH: And Cindy.

22 VICE CHAIRPERSON FLANAGAN: And Cindy for  
23 all of her work. It's been -- it's been a busy, busy  
24 few months for them, and we do much appreciate it.

25 SECRETARY STACY: Yes. Would just like --

1 I would like to acknowledge, and I think the rest of  
2 the zoning commission would like to acknowledge, we  
3 had -- obviously, we had some professional input in  
4 the work that was done here.

5 The five people that sit on this zoning  
6 commission, we are not professional zoning resolution  
7 writers. We are basically a representative --  
8 representation of the residents of Allen Township.  
9 We're just a grassroots representation and to be a  
10 voice for our entire community.

11 I would like to acknowledge that Matt  
12 Cordonnier, who is Director of Hancock Regional  
13 Planning, Matt did attend nine of our meetings in  
14 which we were actually writing the Zoning Resolution.

15 Matt actually wrote a section of the Zoning  
16 Resolution that we inserted in as he wrote it.  
17 Base -- he acknowledged the sign section, he did that.  
18 He provided handouts. We talked -- discussed many  
19 different topics, so we had his expertise that was  
20 alongside what we did.

21 And the time that he spent with us was time  
22 away from his family. So I want to acknowledge that  
23 publically, that we did have his assistance and we  
24 thank him for that.

25 Also a very, very big Thank You to

1 Cindy Land, Assistant County Prosecutor, who has  
2 32 years' experience of zoning, who was at our  
3 meetings with her laptop, advising, directing,  
4 clarifying, and typing on that laptop and getting that  
5 information.

6 We rewrote -- we rewrote the Zoning  
7 Resolution that was presented to Allen Township  
8 22 years ago. It was a big undertaking. We felt it  
9 was necessary to rewrite it.

10 We also took an approach to be a -- take a  
11 less-restrictive approach on numerous topics. We were  
12 hearing that from the residents. We did our very best  
13 to comply with that.

14 Often, when we were discussing a topic, that  
15 came up and we would have the conversation, What is  
16 the least restrictive way to approach this? We did  
17 that over and over. For the folks that were in  
18 attendance to the meetings, you heard that.

19 So I also -- I want to extend a big Thank  
20 You to Cindy because, obviously, the time she spent  
21 with us was time away from her family, and I can't  
22 begin to think how many hours that actually was.

23 In addition to the writing of the Zoning  
24 Resolution, Cindy has also been instrumental in our  
25 legal representation. So not only were we writing a

1 Zoning Resolution, she was our legal representative  
2 with all this litigation that's been thrown at us.  
3 And I'm sure most of you have no idea to what extent  
4 what we've had to deal with; the trustees, the first  
5 zoning commission, and us.

6 So I just want to acknowledge those two key  
7 people, both Matt and Cindy, for all the hours we --  
8 you know, obviously, it was -- we had to have them by  
9 our side to do what we were able to do.

10 And we gave it our very best, folks. We --  
11 we -- we did our best. Thank you.

12 (Applause.)

13 VICE CHAIRPERSON FLANAGAN: Thanks for those  
14 comments, Deb. And I'm glad you brought up Regional  
15 Planning because it jogged something in my memory.

16 Regional Planning kind of looks over --  
17 anybody that proposes zoning, they look over their  
18 book and their map and say, you know, is it -- have  
19 they crossed all the I -- or crossed all the Ts and  
20 dotted all the Is? So they did meet. They did give  
21 it their stamp of approval, so to speak.

22 Cindy, I thought that we were supposed to  
23 have a letter saying that from them. I have not  
24 received that yet.

25 MS. LAND: I haven't either.



1 VICE CHAIRPERSON FLANAGAN: Okay.

2 MS. LAND: They voted in their public  
3 meeting that they did recommend.

4 VICE CHAIRPERSON FLANAGAN: Right. I did  
5 see that. Okay. Just wanted to double check that.

6 So if there's no other questions or  
7 comments, I would make a motion that we adjourn.

8 CHAIRPERSON SMITH: I second that.

9 MR. SCHIMMOELLER: Kevin.

10 VICE CHAIRPERSON FLANAGAN: Yes.

11 MR. SCHIMMOELLER: Joe.

12 CHAIRPERSON SMITH: Yes.

13 MR. SCHIMMOELLER: Roger.

14 TRUSTEE CLARK: Yes.

15 MR. SCHIMMOELLER: Thank you all for coming.

16 - - -

17 And, thereupon, the proceedings were  
18 concluded at 7:50 p.m.

19 - - -

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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the



witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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