

Zoning Commission

Public Hearing

Regular Meeting

May 3, 2007

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Public Hearing:

Text Amendment - Schools in the B2 District

Ch. Kamps called the public hearing to order at 7:00 p.m.

Roll found: Pope, Pajk, Walrath, Powell and Ascherl present. Mrs. Siarkowski was absent. Mrs. Martha Catherwood also present.

Clerk Garrett read the legal ad for this public hearing.

The proposal requests an addition to Section 6B2 of the Hinckley Zoning Resolution, to allow for schools, private or public, to be added as a Conditionally Permitted Use in the Hinckley Center Town District.

Ch. Kamps read a letter from the Medina County Department of Planning Services for the record. (See attached letter) The MCDPS recommended approval of the requested text amendments for Section 6B.2.CD.3 of the Hinckley Township Zoning Resolution.

Assistant Zoning Inspector Schaefer said he has no objections to the text amendment and Clerk Garrett reported that no public comments had been received.

Discussion of the different types of schools; Church affiliated and private academies.

Mr. Walrath discussed the differences between schools and facilities that give classes such as karate and dance schools. The Board feels that these types of schools need to be defined in the definition section of the resolution in order to distinguish a school from a place that offers lessons or instruction.

Ch. Kamps stated that the Lutheran Church plans to establish a pre-school offering two morning classes and two afternoon classes, several days a week. The school that is moving into the Lutheran Church is an existing establishment that was renting from another church.

Mr. Powell made a motion to approve this text amendment and forward the results to the Trustees for their consideration.

Mrs. Pajk second.

Vote: Powell – yes Walrath – yes Pajk – yes Pope – yes Kamps – yes

The public hearing concluded at 7:12 pm.

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Regular Meeting

Ch. Kamps called the regular monthly meeting to order at 7:30 p.m.

Roll found: Pope, Walrath, Pajk, Powell, Siarkowski and Ascherl present. Mrs. Martha Catherwood also present.

Review of Minutes:

The minutes of the April 5, 2007 regular meeting were reviewed. Mr. Walrath made a motion to accept the minutes as corrected.

Mr. Powell second.

No further discussion.

Vote: Powell – yes Walrath – yes Siarkowski – yes Pope – yes Kamps – yes

Correspondence and Clerk's Report:

The Board reviewed the Zoning Fee Reports for March 2007 and the Medina County Transfers for April. Ch. Kamps commented that March 2007 was a slow month in the zoning department compared to March 2006.

New Business:

Mr. Mark Iacona presented a proposal for Phase 2 of the Walden Pond Development on State Road. This phase consists of lots 43 to 71. Sublot 43 will be accessed off Boston Rd. and will be created from Lot E. Lots 44 to 71 will be created from Block I. Nothing has changed from the original approved plans. All of the green space was dedicated as part of Phase 1.

Ch. Kamps had some questions regarding Block F.

Mr. Iacona explained that it is part of the original green space that was designed in the original plans for Phase 1.

Mr. Powell asked about Lot 43 and whether or not they would be preserving the May house on that lot. Mr. Iacona explained that they plan to build on that property and that the house was not salvageable.

Ch. Kamps explained that these plans will be sent to the MCDPS for approval.

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Mr. Powell made a motion to approve the plans for Phase 2 of the Walden Pond Subdivision as presented.

Mr. Walrath second.

Vote: Powell – yes Walrath – yes Pajk –yes Pope – yes Kamps – yes

Mr. Powell questioned Mr. Iacona regarding the riparian regulations.

Mr. Iacona explained that the major stream and wetlands on the property have been preserved. He explained that very small amount of wetlands were impacted.

Discussion of sewer lines down Lionswood Dr.

Ch. Kamps stated that the emphasis of the riparian setbacks from the EPA is water quality and flooding.

Ch. Kamps explained the Phase 2 plans to Trustee Rhodes who had just entered the meeting.

Mr. Powell and Mr. Pope gave a synopsis of the class they had attended on Riparian Setbacks as they relate to townships.

Mr. Pope reported that he gained insight from the seminar that riparian setbacks are not intended to restrict an owner's use of land. The primary intention of riparian setback legislation is to protect the quality of the environment. As the population of these rural areas increase, setback guidelines must define optimal use of the land. The ditches along the road are not regulated. A resident will still be permitted to cut a backyard tree. That is an issue of land use. Riparian setback legislation does not control land use. Townships cannot control land use under the revised code. Rather, the legislative goal is to advise owners to avoid destroying or damaging land thereby causing erosion.

Mr. Powell described Chagrin River Watershed Partners Incorporated, the group that hosted the seminar. In his opinion, this group contradicted what NOACA stated regarding the riparian regulations. CRWP Inc. reported that townships have no authority to regulate what an owner does on their own property. Riparian setback regulations can regulate the distances from the stream regarding setbacks of buildings. Owners can cut trees and mow lawns. A road across a stream can be regulated, as can a building placed too close to a stream. These things can be discouraged but not prevented. Existing buildings are grandfathered. The Chagrin firm is very interested in educating the public regarding stream and wetland preservation. Several townships have already implemented some form of the firm's proposed regulations. Mr. Powell suggested researching other townships and implementing the sections that apply to Hinckley. He suggests taking advantage of the

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tremendous amount of other townships' research because many are similar to Hinckley. This firm also states that its work is defensible in court.

Mr. Pope commented that the attitude of the Chagrin River Watershed Partners, Inc., is its desire to assist homeowners, developers and townships maintain waterways. At the same time, the firm specifically avoids telling homeowners what they can and cannot do with their land. The firm primarily recommends guidelines as to the best ways to preserve water quality, stream banks, erosion and waterways. The firm also assists developers in the best use of the land when trying to preserve wetlands and waterways.

Mr. Powell strongly suggested that the Board utilize the resources of the Chagrin River Watershed Partners.

Ch. Kamps reported that he has a copy of Bainbridge Township's ordinance and he would like to compare them with others. He admits that the riparian setback is not geared to be restrictive, but to be another tool for conservation.

Ch. Kamps reported that Mr. Slagter and several board members met on April 21, 2007 to discuss riparian ordinance language further. A written document for review will be available in May sometime.

Ch. Kamps reported that the Ohio EPA will perform audits to assure that townships are in compliance with Phase 2. It has not been determined when Hinckley will be audited. This year is the fifth year that Hinckley has been involved. Phase 2 began in Hinckley in 2003. There are 6 major components of the maintenance plan of Phase 2, divided into 3 components:

1. Public information and education
2. Major construction of allotments, stopping erosion, water qualities and controls
3. Maintenance of road ditches, winter salting, service equipment runoff, etc.

Mr. Powell discussed 2 homes located on the newest section of Warner Road. He reported that there is quite a mess there and that it has been running into Healy Creek.

Ch. Kamps said that as a township, we do not have authority to enforce. Zoning resolutions are basically the only way to enforce some issues such as this.

Wind Generated Power

Mr. Pope attended a meeting on wind-generated power. He learned that there probably will be reduced interest in it because the base cost runs about \$6000 - \$7000, and area wind speeds are not optimal for this type of generator. These types of units may do much better along the ridges or the northern Ohio lakeshore.

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Text Amendments – SIGNS

Mr. Pope and Ch. Kamps have met with Susan Hirsch from the Medina County Planning Department and Assistant Prosecutor Bennett to discuss language for the sign regulation section. The language must be content neutral – the township cannot designate what the signs may or may not say. Differential regulations for types of signs, e.g., birthday signs, real estate signs, etc., cannot be made. They have decided to research other townships to compare their regulations.

Ch. Kamps states that it is important to regulate location, size, height and the quantity of signs permitted.

Discussion of different types of signs.

Ch. Kamps stated that both Mr. Bennett and Mrs. Hirsch offered to give this board assistance in writing the sign legislation. He would like to get together with them during the week to move forward with the sign language. The board agreed. Saturday meetings were discussed but not scheduled at this time.

Trustee Schulte arrived at the meeting at 9:00 pm.

Mr. Powell and Mr. Pope will obtain an electronic copy of the Chagrin River watershed group model. The report is only seven pages long and both gentlemen explained to Trustee Schulte many reasons to use the firm's model.

Ch. Kamps agreed to call Mr. Slagter to arrange a meeting on riparian setbacks.

Mr. Powell suggested that township funds would be saved by finding a model that has been implemented by another township and amending it to fit Hinckley's needs, rather than creating a new one from scratch. He also reiterated that Chagrin River Partners stated that it would assist in defending the township in court if its model was used.

Mr. Powell made a motion to adjourn the meeting at 9:14 pm.

Mrs. Pajk second.

Vote: Kamps – yes Pope – yes Pajk – yes Walrath – yes Powell – yes

Signatures on following page

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Minutes Approved: _____, 2007

Jim Kamps, Chairman

Chuck Pope, Vice-Chairman

Diane Pajk, Member

Terry Walrath, Member

Calvin Powell, Member

Toni Ascherl, Alternate Member

Karen Siarkowski, Alternate Member