

ZONING COMMISSION

Regular Meeting

December 6, 2018

Page 1 of 5

Ch. Spellman called the regular Zoning Commission meeting to order on December 6, 2018 at 7:02 p.m.

Roll found: Spellman, Dermody, Powell, Schneider and Marzullo. Ch. Spellman noted that Alternates Kalina and McCarthy had excused absences.

Also in the audience were Trustee Schulte and the Spellman family.

Ch. Spellman asked if everyone had received and read the minutes from the November 1, 2018 regular Zoning Commission Meeting, and if there were any comments. There were no comments.

Ch. Spellman entertained a Motion to accept the minutes for the November 1, 2018 Regular Zoning Commission Meeting as submitted.

- Motion was made by Mr. Schneider
- Seconded by Ms. Dermody
- No further discussion
- Roll was called

VOTE: Spellman – Yes, Dermody – Yes, Powell – Yes, Schneider – Yes, Marzullo – Yes

Ch. Spellman directed the Board to the agenda and stated he would like to give his report first.

Ch. Spellman informed the Zoning Commission Board that he had tendered his resignation from the appointed position of the Zoning Commission effective December 7, 2018. Ch. Spellman listed out some points from his resignation letter to the Trustees and gave a heartfelt presentation of his eleven year journey while serving on the Zoning Commission Board. He highlighted on the beginning when he was contacted by Trustee Schulte for interests to serving on either BZA or ZC Board, his interview and appointment; his involvement with amending the Zoning Resolution with updates such as Riparian setbacks, upgrade/rewrite of the entire Zoning Resolution, and the clean-up of the conversation development language, naming a few.

Ch. Spellman stated that he was grateful for the opportunity he had had to interact with the members of the two Zoning Boards, past and present, the community, the Trustees and other county entities and his family.

Ch. Spellman thanked Mr. Schulte for his support over the years, Fiscal Officer Catherwood for her insight and support, Suzanne Peterlin for her assistance and organization, and the Zoning Commission for making the past eleven years such a wonderful experience. Ch. Spellman noted what he thought was important as a Board and asked the Board to listen to the community and allow time for their comments; utilize the resources available and be prideful in your decisions.

Mr. Schulte thanked Mr. Spellman for his years of service with the Zoning Commission and for the many great things he had contributed to the Board, the Township and community over the years.

Mr. Schulte thanked the Zoning Commission Board for their service this year and commended them on their achievements this year with the busy zoning schedule.

Mr. Schulte asked that the Board consider adding language to the Zoning Code related to, but not limited to the following: solar panels, agritourism (agriculture), and update to the definition of structure.

ZONING COMMISSION

Regular Meeting

December 6, 2018

Page 2 of 5

He added that recently, the Board of Zoning Appeals denied a variance for a solar panel. The Zoning Code does not define language for a solar panel or identify it as a structure. Mr. Schulte commented that the applicant may be appealing that decision. The file has been reviewed with the County Prosecutor and the County Prosecutor highly recommends that the Zoning Code be updated to include language for solar panels in a timely manner.

The Zoning Department is receiving more calls related to alternative energy, primarily solar energy and currently, there isn't anything in the zoning code that defines clear zoning requirements for such. Mr. Schulte stated that this topic has been discussed with the other Trustees, and they agree that the Zoning Code needs to be updated in a timely manner, as well as adding language for agritourism and updating the definition of structure.

Mr. Schulte has had conversation with George Smerigan and Mr. Smerigan would be willing to assist the Zoning Board with language for solar panels and already has language to use as a guide. Both Schneider and Kalina have provided a handout from their research. Ms. Dermody asked if the Zoning Commission could schedule a work session to meet with Mr. Smerigan, and Mr. Schulte responded yes.

Lastly, Mr. Schulte stated that during the Trustee Organizational Work Session, there was discussion regarding the participation of the Zoning Board members at other meetings. Mr. Schulte stated that the designated Zoning Member will be asked to only attend the meetings on a needs basis and when directed by the Chairman and approved by the Trustee Liaison. He asked that the Zoning Board amend the Organizational procedures to include such. Further discussion ensued.

Mr. Powell asked for a brief explanation on the solar panel installation on Stony Hill. Mr. Schulte responded that the company, Yellowlite, called in for zoning requirements for a solar panel. Due to a mis-communication or mis-understanding with the scope of the project, the Zoning Inspector gave an okay to the project thinking it was a rooftop installation verses a ground installation. The Zoning Department received a call from the neighbors regarding the size of the solar panel, and at that time, the ZI Tom Wilson found that it was a ground solar panel and that it was installed in a location that did not meet rear yard setbacks. A stop order was placed on the project and then the appeal process was initiated. Further discussion ensued regarding the variance request and the BZA ruling. Ms. Dermody asked what the comments of the neighbors were and Mr. Schulte responded that the primary complaint was the aesthetics and size.

Mr. Schulte noted that he had spoken to Paul Jeffers at Montville Township, and Montville Township does not require a permit for solar panels based from an opinion given in the past by Bill Thorne. Montville Township considers it as a utility or a secondary use or supplemental use to the home.

Mr. Schneider stated that his handout highlighted some of the items that were discussed at the BZA Public Hearing.

Mr. Schulte expressed that the code not only be looked at for alternative energy, but also agritourism (winery's and bed and breakfast inquiries have been made) and agriculture. He reminded the Board that residents from Brookside Estates had complained of chickens and honey bees in their developments on one acre lots. There is no active HOA to support the property owner.

ZONING COMMISSION

Regular Meeting

December 6, 2018

Page 3 of 5

Ch. Spellman asked Mr. Schulte what Mr. Smerigan's expectations were and Mr. Schulte responded that Mr. Smerigan would like the Zoning Commission to offer some suggested or desired language. Mr. Schneider stated that Marysville's zoning code was good and had simplistic language to look at as a guide.

Ch. Spellman recommended that the Board prioritize the list of pending items previously discussed as a start. Mr. Marzullo would like to see the items kept on the agenda until the item is finalized. Ch. Spellman recommended that the Board review the Organizational Minutes and tweak where they see fit.

Ch. Spellman noted that upon the timing of his resignation, there is still two years left of his five year term. He explained that the Trustees will appoint someone into that position to fulfill the remainder of that term at their upcoming Trustee Organizational Meeting.

Ch. Spellman then directed the Board for open discussion.

Mr. Schneider distributed a hand out that outlined some of his research. Some of the topics reviewed were as follows:

- Hinckley is a Township, not a city
- Hinckley is zoned agricultural in all districts (small garden vs large garden, small farm vs large farm, mono culture farm entity)
- Points for discussion or thought
 - All alternative energy is permitted in all zoning districts (solar, wind, water, non-commercial generated power)
 - All structure setbacks in zoning are in effect
 - A site plan with measurements with locations of existing buildings, structures and projected site be submitted for review by the Zoning Inspector prior to a permit or start of work
 - Compliance to all township county and state codes (building, plumbing, electrical)
 - No signs, exception on owner name, installer name, emergency number of contact (no advertising or political signs attached to energy system)
- solar energy systems
 - panel collector – solar hot air, hot water, photo voltage or any other system to produce or generate power or transfer heat via ultraviolet rays or solar radiation
 - ground mounted – system attached to ground or to supporting structure – attached to the ground and not a building
 - building or roof top mount – system attached to a building or structure (house, barn, garage, shed, shipping crate, or wall)
 - Mr. Marzullo commented that the Zoning Board had discussion on shipping crates a few months ago and if they are permitted on property.
 - solar arrays or glare – cannot be redirected onto other properties, roadways, etc. (can be subjective)
 - Mr. Powell mentioned he was driving through a development on Rt 82 and saw two houses that have rippled aluminum siding. Mr. Powell stopped and asked the property owner (who was outside mowing his grass), and the property owner said he thinks that it is from the neighbors second story window. When the sun hits the window it glares causing a heat reaction.
 - Mr. Marzullo spoke about vehicles catching on fire (safety issue).
 - Mr. Marzullo mentioned language that addresses a flicker, as it could be a health issue
 - Additional setbacks – rear half of property from the main building structure
 - 500 feet from road right of way for front yard installation (if unable to place in side or rear yard)

ZONING COMMISSION

Regular Meeting

December 6, 2018

Page 4 of 5

- Ground mount system maximum height of 10 feet
- Building mount system on roof maximum height of 24 inches
- wind /tower systems
 - via antennae tower with a guide on mono pole
 - increased distance 1.1 times height (blade tip) from zoning setback
 - all noise emitted via vibrations are not allowed (exception commercial {I district} and business {B district} areas)

Ch. Spellman commented that there should be a review or consideration as it relates to a public utility.

Ch. Spellman noted as a point of reference, he has some drafted verbiage from 2012 that the Zoning Commission had put together regarding alternative energy. Mr. Powell asked how the Board can speed up the process from draft phase to adoption phase. Ch. Spellman stated that once there has been a lengthy discussion, the pieces generally fall into place. The Board realizes that by utilizing the third party planner will help in the overall process.

Discussion ensued regarding the zoning code and how the Zoning Inspector interprets it. There are times when the code is vague.

Ch. Spellman suggested that the Board forward some drafted language (examples of other Townships) to Mr. Smerigan to review. Additional discussion ensued regarding utilizing a third party planner. When reviewing the Organizational Minutes, the Zoning Board may want to enhance the guidelines to utilize a third party planner more often for writing the language for the zoning code. Mr. Spellman suggested putting together a plan with expectations.

Ch. Spellman thanked Mr. Schneider for his research and presentation.

Ch. Spellman stated that the information provided by Mr. Kalina may be reviewed at the next meeting when Mr. Kalina is present.

New Business:

No new business.

Member Reports:

No reports were given.

Mr. Schneider stated that he will attend the upcoming BZA meeting. Mr. Schneider stated that he would step down as the Zoning Board representative for next year. Further discussion ensued.

Members of the Board thanked Mr. Spellman for his years of service to the Zoning Board.

Ch. Spellman thanked the Board again and complimented them on their efforts this year.

There were no further comments from the Board or the audience.

Ch. Spellman said that the next Zoning Commission Meeting will be held on Thursday, January 3, 2019 at 7:00 p.m. following the Organizational Meeting.

Ch. Spellman stated that he would entertain a Motion to adjourn the Zoning Commission Regular Meeting:

ZONING COMMISSION

Regular Meeting

December 6, 2018

Page 5 of 5

- Motion was made by Mr. Marzullo
- Seconded by Mr. Powell
- No further discussion
- All were in favor.

The Zoning Commission meeting was adjourned at 8:25 p.m.

Suzanne Peterlin, Zoning Secretary

Minutes Approved: _____, 2019

Chairman, Bill Spellman

Diane Dermody Vice-Chairman

Calvin Powell, Member

Bruce Schneider, Member

Matthew Marzullo, Member