

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

Ch. Calabro noted that this meeting is being taped for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting. Any Board Member who has a monetary interest including any conflict or ex parte communication shall disclose now.

Roll Found: Calabro, Hoop, Zeleznak, Mainzer and Budd. Also present were Alternate Schaefer and Trustee Schulte. In the audience who signed in were the following: Gary Wolny, J. Larry Bindofer, James Odrejczak, Andrew Ondrejczak, and Jim Vanco along with other individuals that had not signed in.

Ch. Calabro read the legal ad. (copy attached)

Ch. Calabro stated that proper notice was sent to the appropriate property owners.

Ch. Calabro stated that the Hinckley Township Board of Zoning Appeals acts within the authority of Section 519 of The Ohio Revised Code and exercises its power as provided under Chapters 7 & 13 of the Hinckley Township Zoning Regulations. All public hearings are open to the public. All persons wishing to testify must do so from the podium; must identify themselves and give their residence address, and must be sworn in. Evidence and testimony must be pertinent to the hearing. It is the Chairman's discretion to limit personal comments, personal attacks, opinions, and/or repetitious statements or testimony or evidenced previously given. Disruptive persons will lose their right to remain at this hearing. Personal attacks will not be tolerated.

Ch. Calabro stated this is a hearing upon the application submitted by Suburban Transportation Co. as buyers for property owned by Emil Wolny Properties LLC requesting a Conditional Use Permit from the enforcement of certain Hinckley Township Zoning Resolution sections to the property to be purchased by the applicant. The packet submitted by the applicant was given to the Board of Zoning Appeals and includes a site map, an application and other various correspondence.

Ch. Calabro stated that notice of the application was properly given in local newspapers, and the application has been available for public review and comment.

Ch. Calabro noted that no other correspondence or documents had been received that relate to this application. A phone call and email was received by a nearby resident and that particular resident also visited the office.

Ch. Calabro stated that non-written communications made by known or unknown persons not under oath at this hearing are not accepted by this Board as testimony. Each member of this Board of Zoning Appeals has been provided a copy of this application and a copy of the other documents submitted in support of the application.

Ch. Calabro polled the Board as to whether they received the packet of information and a site visit was completed.

Response: Budd – Yes and yes inspected on Saturday the 23rd; Mainzer- Yes and yes inspected on Monday the 25th ; Zeleznak – Yes and yes inspected on Saturday the 23rd ; Hoop – Yes and yes inspected on Saturday the 23rd ; Calabro – yes and yes inspected on Saturday the 23rd .

Ch. Calabro stated that written communications from persons not present this evening may include communications that are not made by affidavit. Because these communications are made by a person not under oath, they are not accepted by this Board. She also noted that written communications may include some writing by affidavit, by persons that are not present this evening and, therefore, cannot be subjected to cross examination. These affidavits, therefore, will not be given much weight, if any, in the decision of the Board on this matter.

Ch. Calabro stated that this Board has the power to grant an Applicant's request for a Conditional Use Permit. Those people who wish to speak may do so from the podium and must state their name, address and interest before addressing the Board. All testimony must be given from the podium. All people that wish to give testimony will be sworn in individually, will take the stand, raise their right hand and repeat words to be sworn in.

Ch. Calabro asked the applicant to step up to the podium and be sworn in.

Mr. Ondrejcek was sworn in accordingly.

Ch. Calabro asked if he had any additional information to add to his application and if he could give a brief summary of his request for a Conditional Use Permit.

Mr. Ondrejcek stated that they do transportation of mentally and physically challenged children all over northeast Ohio. And we would like to move our corporate office to this new facility and have a garage area to keep our vehicles up to date as mandated by the State of Ohio and the school districts.

He stated that we have certain rules that we have to follow and we believe that is a good area for us to do that. We need more room.

Ch. Calabro asked who's rules do you have to follow.

Mr. Ondrejcek stated that they follow rules outlined by the State of Ohio. The Ohio school board sets the mandate as to how many inspections and when they are to be done. He added that there is also training they do for their staff and drivers as required by the State of Ohio.

Mr. Zeleznak (BZA member) asked about the maintenance garage. He clarified the garage used to maintain your vehicles such as retrofitting your vehicles and etc., will it also be used for any other commercial use, by any other company, or work done on the side?

Mr. Ondrejacak stated that he cannot answer 100% no on that question. Since they currently are in the process doing modifications to vehicles and are becoming a wheelchair installer and are in the process of getting certified to become such. That work would still be done under our company name.

Mr. Zeleznak asked if other than that work would they be doing any type of automobile or truck work maintenance for anybody else.

Mr. Ondrejacak answered that he does not believe so. Currently we have enough work to keep our own fleet of 200 and some vehicles running and working on the road. And with the company growing, I don't think we can handle any other work. I don't know what the future holds but I don't foresee it right now.

Mr. Budd (BZA member) stated to the applicant that in the documentation you referred to "product development" can you expand on that for us.

Mr. Ondrejacak stated that since there have been many changes with the new vans. We along with other companies are working on changing the seating to meet the needs of children of varying degree of needs. Changes include separate seating, specialty seat belts, and restraints so not to harm themselves or the driver. My son who is an engineer is working with others on ways to retrofit vans to accommodate special needs with side air bags and other items. We are working on other items such as wheel chair lifts that can be installed outside vehicles. We are working on different development ideas and that's why we need the space. We are asking for a lot of bays and not all of them will be used for maintenance of vehicles. Some may be used for cleaning the vehicles and sanitizing them since we have children that get sick in the vehicles. Others may be used for inspections which are required every six months. The space is not just needed for tire rotations and oil changes. There's many other things that are done with these vehicles.

Mr. Budd asked how big of a fleet of vehicles do you anticipate to have.

Mr. Ondrejacak stated that currently we are about 220 vehicles. Most of our vehicles, approximately 80% of them, are not on the grounds. Our employees take them home with them since they all have GPS systems, cameras. Even in the summertime 50-60% of the vehicles are not on the grounds since some children still go to school in the summer. We rotate the vehicles during the summer to clean and sanitize them.

Ch. Calabro asked if all the maintenance of the vehicles is completed indoors.

Mr. Ondrejacak said yes.

Ch. Calabro asked other than parking is there anything else that goes on outside.

Mr. Ondrejacak stated that older vans they park in the back to use for parts and when finished they scrap them. Our hours of operation are all prior to 6 pm. Most of all vehicles are vans and he stated there are no large vehicles such as school buses.

Ch. Calabro asked if anyone else in the audience would like to speak.

Mr. J. Larry Bindofer was sworn in accordingly.

Mr. Bindofer (neighbor) identified himself as the lone residential property on Rt. 303 next to the property in questions. He said he is lot #5. I have lived in Hinckley for 20 years and he loves Hinckley for the rural character and are concerned about the environmental effects. I have spoken with Tom Wilson (Zoning Inspector) and he knows my concerns about keeping the rural character. My concern is what the three properties abutting Rt. 303 to be used for, my privacy and clean storm water. I am concerned about the course of the water (flooding and draining) after the building is built. Also, I am concerned about how much of the woods will remain since that effects the buffering and draining on my property.

Ch. Calabro stated that all concerns about drainage and grading will be addressed when permits are applied for by the Medina County Engineers office.

Mr. Bindofer stated that he understands that after this hearing they will need to apply with Medina County to address these issues. I have spoken with Rob Henwood and he said that the engineers will look at that and address it. What concerns me is that "no further damage be done by volume or the quality of the water". I don't want the water to be contaminated. He continued on with concerns about the front culvert and other water issues.

Ch. Calabro stated that all of his concerns will be addressed by Medina County when application is made to build. We are here this evening to address the Conditional Use for the maintenance garage and to see if yes it can be done or no it cannot be done on this property. This evening is part of their due diligence on this property to see if it's possible for them to do this.

Mr. Bindofer stated that he was concerned that no one inspected the property and if they did it was very quick and without much thought.

Ch. Calabro stated that the entire board did inspect the property and is aware of the property in question.

Mr. Zelzenak stated that our concern about the property is whether we give a Conditional Use for the maintenance garage. So based on that, we went to the existing property where the applicant has the business, and we inspected their garage to see what kind of operation and condition of the property. We inspected as to what kind of condition it was and was this something that we would like to see in

Hinckley at the property in question. The Conditional Use is the maintenance garage and that is what we are concerned about.

Mr. Bindofer kept repeating that he cared about his property and would like it to remain the way it is. He had concerns about driveways and building location.

Ch. Calabro stated that the Board could not answer that and didn't know if the applicant could even answer that at this point since this is part of their due diligence whether to purchase the property based on the Conditional Use granting.

Mr. Ondrejacak stepped up to the podium and wanted to address some of Mr. Bindofer's concerns. He stated that he is also a resident of Hinckley for over 30 years and understands his love and concern for keeping it rural. He stated that he will follow the rules according to the building department and we are not here to create a bad situation for anyone. We would like to be a good neighbor and where we currently are we have no complaints from any residences around us. This is about bringing our headquarters here and doing our job following all the rules. He stated to answer the questions about the three lots they are purchasing those lots so if any issues would arise we have another access to property.

Mr. Zeleznak confirmed with applicant that the three lots would be used for access only.

Mr. Ondrejacak answered yes.

Ch. Calabro asked Trustee Schulte to step up to the podium to address the drainage and grading issue that Mr. Bindofer had.

Trustee Schulte was sworn in accordingly.

Tr. Schulte stated that the BZA board should have received the recommendation letter from the Zoning Commission Board stating that the Zoning Board was recommending the Conditional Use for this property. Secondly, he stated just like any other application that is submitted to build. We look at it to see if it meets our zoning, then the applicant goes to the Building department in Medina County then it goes to all the engineers. All the Medina county entities will address all of these concerns that have been talked about this evening (drainage, where the driveway is going, where the building is going, and the trees) and make sure that they are done appropriately. The office space is a permitted use on this property and his opinion it is a low impact use for the property.

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Mr. Zeleznak asked Trustee Schulte if a subdivision could be built on this property.

Tr. Schulte said that a subdivision could not but the only approved use is for senior housing.

Mr. Zeleznak stated that senior housing could be done on this property which would take up the entire property. So, Mr. Zeleznak feels that this is a much better use for this property and agrees it's a low impact use.

Ch. Calabro stated that the only purpose here this evening is to grant or ^(DENY) not a Conditional Use permit for the maintenance garage. Everything else proposed for this property is within the zoning code including the parking lot.

Ch. Calabro stated that any person adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Medina County on the ground that such decision was unreasonable or unlawful and will have 30 days from the date of this meeting to appeal. And the Chairman will state when the minutes will be journalized which should be two weeks from this evening.

Ch. Calabro stated she would entertain a motion for the Conditional Use Permit requested.

Mr. Hoop moved to submit a formal resolution for a Conditional Use Permit by Suburban Transportation Co. as buyers for property (Permanent Parcel Number 01703C01010, 01703C02002, 01703C02003, 01703C02004) to construct and operate a headquarters with office space and a maintenance area to modify, maintain and inspect all vehicles including specialty vehicles maintained by Suburban Transportation Co. Mr. Zeleznak seconded the motion.

Mr. Schaefer (BZA alternate member) stepped up to podium and was sworn in accordingly.

Mr. Schaefer had a concern that we need to make it clear what vehicles can be maintained and modified. Discussion ensued and it was agreed that the formal resolution as previously stated stands.

Prior to voting, Ch. Calabro explained the vote to the Applicant. As stated, a Yes simple majority with a quorum present is in favor of the Applicant. A No simple majority, or a tie vote denies the Applicant's request.

Vote: Budd – Yes, Mainzer – Yes, Zeleznak – Yes, Hoop – Yes, Calabro - Yes

Motion Passed – 5-0

Ch. Calabro stated that the motion for a Conditional Use Permit has been granted.

Ch. Calabro stated anyone who has adversely been affected by this decision has 30 days from time the minutes are journalized to file suit.

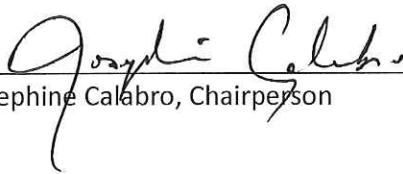
Ch. Calabro called for a brief recess to have the applicant sign the application, make a copy, and give a copy to the applicant.

Ch. Calabro stated she would entertain a motion to adjourn the Public Hearing. Ms. Mainzer moved and Mr. Budd seconded. The Board was polled collectively and all were in favor.

Hearing was adjourned at 7:59 p.m.

Josephine Calabro, Chairperson

Minutes Approved: 3/13, 2019



Josephine Calabro, Chairperson




Jeff Hoop, Vice Chairperson

Dave Zeleznak, Member



Julie Mainzer, Member



Bill Budd, Member