

Ch. Kman called the September 22, 2016 Hinckley Township Zoning Commission Work Session to order at 6:55 p.m.

Roll Found: Kman, Spellman, Powell, Schneider and Marzullo present. Recording Secretary noted that Marzullo was stepping in for Dermody who was absent and that Alt. Kamps was in the audience. Also in the audience were Trustee Schulte and Zoning Inspector Wilson.

Ch. Kman stated the first item on the agenda is normally to review and approve the minutes from the last meeting, but asked that the minutes be tabled until the next meeting. All were in agreement.

Ch. Kman commented that the purpose of the Work Session was for the Board to review the proposed text changes that they agreed upon at the last meeting and to confirm that the proposed changes are accurate. The intent is to assure that the documentation is prepared correctly, the content (language text) is correct and that there are no grammatical errors. He added that at the next meeting the Board will take a vote to move the proposed text changes to the County Planning Commission.

To assist with the review process, Ch. Kman stated that the pages containing the changes to the Zoning Book would be displayed on the big screen for everyone to follow.

PREFACE (page i): The Zoning Commission reviewed the recommendations by Susan Hirsch/Bill Thorne found in an email sent by Ms. Hirsch on September 3, 2016 regarding the proposed text to add referencing the Master Policy Plan as follows: *"As of September 1, 2016 [or whatever date is chosen] Zoning Amendments to the December 31, 2014 Hinckley Township Zoning Resolution are based on, or reflect, the recommendations of the 2015 Hinckley Township Comprehensive Plan."* Mr. Marzullo commented that language was what the Zoning Commission was after and that the Comprehensive Plan is referenced and the date in which it was published. There was concern regarding making future changes to the Zoning Book and utilizing the Comprehensive Plan as of the date it was approved. There could be future changes necessary because of a new concept or other things from the community or the Trustees that may not be reflected in the Comprehensive Plan. Mr. Kamps mentioned Medical Marijuana and that the Comprehensive Plan does not mention that and that there are constant changes with legislation and laws (i.e. Alternative Energy, Planned Unit Development Amendment, etc.). The consensus was that the Plan is used as a guide. There was some concerns regarding the legality of contents of the Plan and when there is a challenge to the Zoning Regulations. After a lengthy discussion, the Zoning Commission agreed to TABLE until the next meeting when they can ask Mr. Richter from the Prosecutors Office for some guidance.

PREFACE (page i.) (Lines 13 and 14) – The Zoning Commission confirmed the changes as agreed upon previously on 9/01/2016.

CHAPTER 1: Purpose: (page 1) (Lines 4 – 7) The Zoning Commission confirmed the changes as agreed upon previously on 8/18/2016.

CHAPTER 1: Purpose: (page 1) (Lines 15 – 16) The Zoning Commission confirmed the changes as agreed upon previously on 8/18/2016.

Mr. Schneider brought attention to line 13 and that the semi-colon should not be there. The Zoning Commission agreed to change the semi-colon and should read as follows: *".....congestion on public streets and highways and other public facilities; to conserve life,"*

CHAPTER 3: Definitions: LOT (page 10) (lines 23- 25) Mr. Schneider commented on the use of the word “buildable”. Zoning Inspector Wilson commented on what the Zoning Book reflects as a buildable lot based on acreage. Mr. Schulte added that the definition was suggested by the Prosecutor’s Office. After discussion, the Zoning Commission agreed leave as written and to TABLE until the October 6, 2016 meeting.

CHAPTER 3: Definitions: LOT OF RECORD (page 11) (lines 9 – 11) The Zoning Commission confirmed the changes as agreed upon previously on 8/04/2016.

CHAPTER 3: Definitions: PARCEL AND PLOT (page 13) (lines 6 & 7 and 21 & 22) The Zoning Commission confirmed the changes as agreed upon previously on 9/01/2016. Ms. Peterlin commented that due to the additional lines, that the definition of Recreation Facility was moved to page 14. This is noted as a clerical change.

CHAPTER 4: General Regulations: SIMILAR USE FINDING (page 29) (line 36) The Zoning Commission confirmed the changes as agreed upon previously on 8/18/2016. Lines 33 & 35 are noted as clerical changes to remove word “and” and end each sentence with a period.

CHAPTER 6: Sub-Section 6R1.1. PURPOSE (page 37) (lines 15- 16) The Zoning Commission confirmed the changes as agreed upon previously on 8/18/2016.

CHAPTER 6: Sub-Section 6R1.7.A.5 DEVELOPMENT STANDARDS AND CRITERIA CONSERVATION DEVELOPMENT (page 44) (lines 35 – 36) The Zoning Commission confirmed the changes as agreed upon previously on 8/18/2016. The comma on line 35 will be removed, as it is not necessary.

CHAPTER 6: Sub-Section 6R2.1.B. PURPOSE: (page 57) (lines 10 – 11) The Zoning Commission confirmed the changes as agreed upon previously on 8/18/2016.

Additional discussion ensued regarding the 33,000 square ft noted for lots and that should be added for a future topic of discussion. Zoning Inspector commented that 32,670 equals three quarters of an acre. There was question as to why it was listed as 33,000 square feet and that anyone with 32,670 must come in for a variance to allow as a buildable lot. The Zoning Commission agreed to TABLE for future discussion.

CHAPTER 7 – Conditional Zoning Certificate 7.C REVIEW BY TOWNSHIP ZONING COMMISSION: (page 82) (lines 28 – 32) The suggested text from previous discussion on 9/01/2016 was to remove the current text and change to read as follows: *“The Zoning Inspector shall forward the Conditional Use Permit Application to the Zoning Commission for review.”* It was mentioned that Montville Twp or Bath Twp has language text in their code. Trustee Schulte did not recall reading it in the Montville Code.

It was mentioned that the process could be that the Zoning Inspector reviews the application to make sure everything is in line and what is required to apply for a Conditional, then pass along to the Zoning Commission for their information and forward to the Board of Zoning Appeals for their review and approval at the public hearing. The timeframe for submission is outlined in the Organizational Minutes. (Complete application must be submitted by the 22nd of the month prior to the next available Board of Zoning Appeals Public Hearing).

Mr. Kamps requested that the word “review” be removed from the text and all were in agreement to do so. Ch. Kman suggested adding “Inform” and add V. Ch. Spellman suggested adding “in advance of the Board of Zoning Appeals” and all were in agreement. Trustee Schulte was asked if that would be in line with what the Prosecutor’s concerns were and Trustee Schulte responded that the role of the Zoning Commission is not to be a judicial review board.

There was discussion that this be an administrative process – where the Zoning Inspector provides a copy of the application to the Zoning Commission for their information. This would allow the Zoning Commission to be aware of the Conditional Permit Request, in the event they are asked to attend the Board of Zoning Appeals Public Hearing to clarify the Zoning Code.

Trustee Schulte found the language from Montville Township’s Code and read as follows: “Notice to Zoning Commission: Simultaneously to transmission of the application to the Board of Zoning Appeals, the Zoning Inspector shall send notice of the application for conditional zoning certificate to the Zoning Commission.” The Board requested that they would like to have copy(ies) instead of notice.

The Board will have further discussion regarding the number of copies required. (See lines 13 and 15).

CHAPTER 7 – Conditional Zoning Certificate 7.C REVIEW BY TOWNSHIP ZONING COMMISSION: (page 84 of the Zoning Book) (lines 28 – 32) After further discussion, the Zoning Commission agreed to remove the text and change as follows: ~~Review by~~ Notice to Township Zoning Commission: ~~The Township Zoning Commission shall review the proposed request, as presented on the submitted plans and specifications in terms of the standards established in the Resolution and the Master Policy Plan for the Township. Such review shall be advisory only and shall be made public at the Board of Zoning Appeals Public Hearing. The Zoning Inspector shall forward the Conditional Use Permit Application to the Township Zoning Commission in advance of the Board of Zoning Appeals Hearing.”~~

CHAPTER 7: SECTION 7.3.A. Conditional Zoning Certificate: (page 84 of Zoning Book) (lines 2 and 3) The Zoning Commission confirmed the changes as agreed to previously on 8/18/2016. The re-alphabetizing is noted as a clerical change.

CHAPTER 8: Non-Conforming Uses, Buildings, Lots & Structures SECTION 8.1 PURPOSE: (page 89 of Zoning Book) (lines 12 and 13) The Zoning Commission confirmed the changes as agreed to previously on 8/18/2016.

CHAPTER 11: Site Plan Review SECTION 11.1 PURPOSE (page 113 of Zoning Book) (line 11) The Zoning Commission confirmed the changes as agreed to previously on 8/18/2016.

CHAPTER 11: Site Plan Review SECTION 11.1.G (page 113 of Zoning Book) (line 23 & 24) The Zoning Commission confirmed the changes as agreed to previously on 8/18/2016.

CHAPTER 11: Site Plan Review SECTION 11.4.M PRELIMINARY SITE PLAN SUBMISSION REQUIREMENTS (page 115 of Zoning Book) (line 37) The Zoning Commission confirmed the change as a clerical change as agreed previously on 6/02/2016.

CHAPTER 11: Site Plan Review SECTION 11.4.M PRELIMINARY SITE PLAN SUBMISSION REQUIREMENTS (page 116) (line 5) The Zoning Commission confirmed the change as a clerical change as agreed previously on 6/02/2016.

CHAPTER 11: Site Plan Review SECTION 11.4.M PRELIMINARY SITE PLAN SUBMISSION REQUIREMENTS

(page 118 of Zoning Book) (line 39) The Zoning Commission confirmed the changes as agreed to previously on 8/18/2016.

CHAPTER 17: Establishment of Riparian Setbacks SECTION 11.1.E. (page 138 of Zoning Book) (lines 23 – 25)
The Zoning Commission confirmed the changes as agreed to previously on 8/18/2016.

Ch. Kman commented on pages 149 and 150 of the Zoning Book and Ms. Peterlin added that this will be updated with the effective date as to when the Trustees make a resolution to adopt the changes. She asked that by October 6, if the referenced codes can be reviewed for accuracy.

Ch. Kman stated that at the next Zoning Commission meeting, Ms. Peterlin will have the pages together that contain the proposed changes, except for the two tabled items that will be reviewed again. After that text is agreed to he would like to send all of the proposed text changes to the County Planning Commissions for a formal review. The deadline to submit the proposal is Friday, October 7, 2016. Further discussion ensued regarding the dates in which the Public Hearing would be scheduled.

Ch. Kman asked Mr. Kamps if he wanted to discuss the language text for Medical Marijuana, and Mr. Kamps commented that the Zoning Commission received some information from the Prosecutor's Office which included some recommendations for the Zoning Commission and others to be proactive. He stated that in order to follow that advice, he went ahead and drafted some text that could be added to Chapter 4, Section 4.2 Agricultural Use. He said he copied most of the wording right from the new law. The law became effective on the 8th of September and made it legal for the Zoning Commission to prohibit the cultivation, processing and retail dispensing of the medical marijuana. He said the Prosecutor's letter suggested an amendment. This would provide time for the State Legislation to pass and approve definitive rules regarding this matter. He stated that the Trustees have the opportunity to move on this with a resolution, as this will allow for enforcement by the Police Department vs. Zoning enforcement from a violation standpoint.

Ch. Kman distributed a letter from the Prosecutor's Office dated September 15, 2016 and asked the Board to read it for next meeting.

A lengthy discussion on medical marijuana ensued regarding the position that the Zoning Commission takes by adding a text change. Trustee Schulte stated that he was going to bring this subject matter up at the next Trustee work session and propose to move forward with a resolution to prohibit medical marijuana in Hinckley Township. Trustee Schulte stated that township's around us are acting on this (i.e. Sharon Township, Brunswick Hills)

Ch. Kman asked if the Zoning Commission should move on this before the Trustees make a decision. Ch. Kman stated that the Board can wait on agreeing to any language update and continue the discussion at the next meeting. If the Board should decide and agree to adding the text proposal by Mr. Kamps, it can be added to the motion by the Zoning Commission to move it on to the County Planning Commission. Trustee Schulte stated that Mr. Richter from the Prosecutor's Office will be present at the October 6, 2016 meeting and that the Board can ask him for more information and discussion on the subject matter.

There was discussion regarding the difference between growing medical marijuana and recreational marijuana and what may be allowed and not allowed. There are concerns where this can happen in our community.

Trustee Schulte commented that at the next meeting, there will be a presentation by a developer to talk about a pre-conceptual plan for a Conservation Development in Hinckley. Mr. Kamps commented that if there is a proposal for a Conservation Development that part of the process would be for the developer to apply for a Map Amendment.

Ch. Kman handed out the brochure for the upcoming APA Annual Zoning Work Shop on November 4th and stated anyone interested should contact Ms. Peterlin to register. There is a registration fee and a deadline to register. Both V. Ch. Spellman and Mr. Kamps commented that it is a very informative work shop.

Ch. Kman stated that Ms. Peterlin pointed out that there were some additional text changes still pending, i.e. height regulations for the I1 and I2 districts and fencing for the Conservation and the Board agreed to TABLE for future discussion. Ch. Kman asked that Ms. Peterlin pull out excerpts from minutes and she will do so.

Ch. Kman asked the Board Member's for their reports. There were no reports given. Ch. Kman asked for any further comments from the Board.

V. Ch Spellman commented that if the Trustees pass a resolution regarding the cultivation and dispensing of medical marijuana it will allow the Board (Zoning Commission) to allow opportunity to hear from the public before jumping into making a decision. If the Trustees pass a resolution, that will buy some time so that the Board (Zoning Commission) can obtain more information and open it up to the public for public awareness.

Mr. Schneider has concern that if the Trustees want to go ahead with a resolution recommended from the legal department that is up to them. His concern is that if the Zoning Board decides to add text that prohibits the medical marijuana cultivation and dispensing of, that later they may find that they have to retract the change. V. Ch Spellman asked if there has been any public comment on this, and Trustee Schulte stated no, not at this time. Additional discussion ensued.

Ch. Kman thanked everyone for their attendance.

With no further business, Ch. Kman stated that he would entertain a motion to adjourn the Work Session.

Mr. Schneider moved to adjourn the meeting and Mr. Powell seconded. All in favor.

Meeting was adjourned at 8:50 p.m.

Suzanne Peterlin, Acting Recording Secretary

Minutes Approved: _____, 2016

Mel Kman, Chairman

Bill Spellman, V. Chairman

Calvin Powell, Member

Matthew Marzullo, Member (Alt.)

Bruce Schneider, Member