

Ch. Kalina called the October 1, 2020 Zoning Commission Regular Meeting to order at 7:01 p.m.

Roll found: Kalina, Schneider, Marzullo, Crew

Also in the audience were alternates Fischer and Manley, Trustees Schulte and Augustine, and Zoning Inspector Wilson

Ch. Kalina made a request that Mr. Manley, currently serving as the first alternate, move into the vacancy on the Zoning Commission Board as a voting member. Additionally, Ch. Kalina stated there is a vice chair vacancy and he would entertain interest from the Board to fill that position through the remainder of this year.

- Ch. Kalina stated he would entertain a motion to appoint Mr. Marzullo as the vice chair and Ms. Crew seconded.
- Mr. Marzullo stated he is happy to serve. There was no further discussion.
- Ch. Kalina called for a vote to approve.
- All were in favor.

Kalina – yes, Schneider – yes, Marzullo – yes, Crew – yes, Manley – yes

Ch. Kalina thanked Mr. Marzullo.

Trustee Schulte stated that they are starting to prepare for the 2021 organizational meeting and Ch. Kalina is up for reappointment in 2021. Trustee Schulte asked Ch. Kalina if he is interested in continuing to serve and Ch. Kalina stated yes he is happy to continue to serve. Additionally, Trustee Schulte stated there are two alternate positions and Mr. Fischer can let him know if he would like to continue to serve. Trustee Schulte stated they will place an ad for anyone interested in serving as the second alternate.

Trustee Burns arrived at the meeting.

Ch. Kalina asked if everyone had received and read the minutes from the Zoning Commission Public Hearing held on August 6, 2020. He asked if there were any comments. No comments were noted.

Ch. Kalina stated he would entertain a motion to accept the August 6, 2020 Zoning Commission Public Hearing Minutes as written.

- Mr. Manley moved and Mr. Schneider second.
- No further discussion.
- Ch. Kalina called for a vote to approve.
- All were in favor.

Kalina – yes, Schneider – yes, Marzullo – yes, Crew – yes, Manley – yes

Regular Meeting

October 1, 2020

Page 2 of 10

Ch. Kalina asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting held on August 6, 2020. He asked if there were any comments. No comments were noted.

Ch. Kalina stated he would entertain a motion to accept the August 6, 2020 Zoning Commission Regular Meeting Minutes as written.

- Mr. Marzullo moved and Mr. Manley second.
- No further discussion.
- Ch. Kalina called for a vote to approve.
- All were in favor.

Kalina – yes, Schneider – yes, Marzullo – yes, Crew – yes, Manley – yes

Ch. Kalina asked if everyone had received and read the minutes from the continuation of the Zoning Commission Public Hearing held on September 3, 2020. He asked if there were any comments. No comments were noted.

Ch. Kalina stated he would entertain a motion to accept the September 3, 2020 Zoning Commission Public Hearing Minutes as written.

- Ms. Crew moved and Mr. Manley second.
- No further discussion.
- Ch. Kalina called for a vote to approve.
- All were in favor.

Kalina – yes, Schneider – yes, Marzullo – abstain, Crew – yes, Manley – yes

Ch. Kalina asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting held on September 3, 2020. He asked if there were any comments. No comments were noted.

Ch. Kalina stated he would entertain a motion to accept the September 3, 2020 Zoning Commission Regular Meeting Minutes as written.

- Mr. Schneider moved and Mr. Manley second.
- No further discussion.
- Ch. Kalina called for a vote to approve.
- All were in favor.

Kalina – yes, Schneider – yes, Marzullo – abstain, Crew – yes, Manley – yes

NEW BUSINESS

Ch. Kalina stated there is an applicant present for a Special Event Request, additionally, also present are all three Trustees, residents and members of each of the Township's safety forces so out of consideration for their time the Board will hear New Business first.

Ch. Kalina stated there is a request for a Special Event for the Buzzard Cove Haunted Barn. Ch. Kalina stated that this meeting is being recorded for the purpose of recording minutes and the minutes will serve as the official record. Ch. Kalina asked that anyone wishing to speak this evening should please speak loudly and clearly, and should provide their full name and address and who they are representing. Ch. Kalina further stated that this Board is not approving the permit, the Board is reviewing the application for the permit and the Zoning Inspector approves the permit, this Board only provides a recommendation.

Ch. Kalina asked the representative from Buzzard Cove to come forward to explain the request.

Jerry Pettry

Mr. Pettry stated he runs the haunted house, but he doesn't know what the application is for. Mr. Pettry stated they wanted to request to add on to their event this year, but because of COVID, they are not doing the additional section this year, so there is no change to what they've done previously.

Ch. Kalina stated that the reason they are here is because in the past the Haunted Barn has been viewed as a Special Event and Special Events have to be reviewed and approved every year. Ch. Kalina stated this is just going to be for the Haunted Barn which has been around for numerous years. Mr. Pettry stated it has been around since the 90s. Ch. Kalina stated he had received correspondence from Christopher Carter who is the Community Relations specialist for Pettry Productions – Ch. Kalina read the letter into the record:

To whom it may concern, The Hinckley Haunted Barn will be opening October 2, 2020 and operating on Friday, Saturday and Sundays until October 31, 2020. The hours of the haunt will be 8:00 p.m. until Midnight on Friday and Saturdays and 8:00 pm until 11:00 pm on Sundays. There have been no structural changes to the barn. We have a fire alarm system, fire extinguishers and sprinkler system which have been inspected and are up to code. We are following all health guidelines given by the Ohio Department of Health. We will only be allowing groups of 6 patrons into the facility at one time. The groups will be spaced out in a timely manner that complies with health guidelines. The waiting area is outside and allows for proper social distancing. Patrons will be asked to wear a facial mask while on the premises. No other attractions will be open for this haunt season. Police and Pettry Production Management will be present at all times that the haunt is open to help keep staff and patrons safe.

Mr. Pettry stated the only thing different is the ticket sales start at 7:30 and end at 11:30.

Ch. Kalina asked what hours they are typically open. Mr. Pettry stated the ice cream shop stays open the same hours they are open during this event.

Ch. Kalina inquired about the waiting area outside for the patrons, what will be happening in that waiting area. Mr. Pettry stated they have hecklers, people in costume who walk around and entertain people while they are waiting. There will be sanitizing stations around the area. Mr. Pettry stated further that there are dots on the floor where people should stand and people in a group can stand together. At the barn, people will be collecting tickets, there will be hand sanitizers there that patrons can use before they go in. They will let groups in every 3 minutes, so people will not be close to each other. There are actors throughout that will keep people moving. At the end of the haunt there will be another place for hand sanitizers and people will be required to go to their cars. There are port-a-potties on site with sanitizers. They will request that all guests and actors have masks.

Ch. Kalina asked about parking, stating there are 45 spaces on site and is there an agreement with the Parks for overflow. Mr. Pettry stated they did not contact the Metroparks regarding parking, they will rely on the field on the left in case of overflow, but they don't anticipate people being there more than 20 minutes. Mr. Pettry stated their managers and actors will park somewhere else so they feel that with people moving through quickly the parking will be sufficient.

Ch. Kalina asked if the police department has been contacted and if they will be on-site. Mr. Pettry stated he spoke with an officer who he believes relayed the message to the Chief who said they will need one officer there the days they are open.

Ch. Kalina stated this is zoned B-1 and they are allowed to have this, it's an indoor recreation which is a permitted use, so it's not conditional. They are looking at a special event permit for the Haunted Barn. Ch. Kalina then asked what they plan to do as far as outside noise, will there be loud music, chainsaws, etc.

Mr. Pettry stated that out of respect for the neighbors they will not have anything outside. If they stay in this location for next year they will plan early and have all the outside events.

Ch. Kalina stated that as a community they want them to have a successful business.

Ch. Kalina asked the Assistant Fire Chief Gabe Gerbasi to speak. Asst. Fire Chief stated he spoke with Mr. Pettry prior to the meeting and his main concern was the Certificate of Occupancy for the building. All the Fire Dept. had was a temporary from 2016 which stated it was not valid until they got a full one, which Mr. Pettry has but the Fire Dept. needs a copy of it. Asst. Chief stated the testing of the alarm system in the building needs to be done by a licensed fire protection company and monitored 24/7 365. Also, the alarm system is not up to code, it's not monitored and doesn't have a tag for 2019 and the building doesn't have a sprinkler system.

Ch. Kalina asked if the Asst. Fire Chief would handle making sure the required testing gets done. Asst. Fire Chief confirmed they would handle. Ch. Kalina thanked him for coming.

Regular Meeting

October 1, 2020

Page 5 of 10

Ch. Kalina asked Sgt. Linville (?) from Police Dept. to speak. Sgt. stated he just checked and was told they had not been officially requested to do security. Sgt. stated that it would not be practical to think arrangements could be made at this late time to have an off-duty police officer available for the upcoming weekend. They are also concerned about the neighbors complaining about the noise.

Ch. Kalina asked if right now there is no official request to have them on-site for security. Ch. Kalina asked if the request was made can it be fulfilled by the Township and Sgt. Linville stated he's not sure it could be done for the next day they would really need a week's notice.

Mr. Pettry stated that he did speak to the Hinckley Police about it and he was told that if they can't handle it Mr. Pettry could go to other departments for help. Sgt. Linville stated he believes the issue is that they were not asked. Further discussion followed.

Ch. Kalina asked if Sgt. Linville and Mr. Pettry could work out the details after the meeting. Ch. Kalina thanked Sgt. Linville.

Ch. Kalina asked Zoning Inspector Wilson to speak. Zoning Inspector Wilson stated he spoke with the Health Department today and they are still working things out with Mr. Pettry. The Health Department stated they are waiting for the schedule. The State of Ohio is strongly recommending people don't have these, but no one has said they can't so many Health Departments are allowing this. Zoning Inspector Wilson stated he is waiting for final approval from the Health Department before he signs off on this.

Ch. Kalina asked Mr. Marzullo if he had any comments. Mr. Marzullo is surprised to hear from both safety officers that things are not in line and Mr. Marzullo asked if there was a break down in communication.

Mr. Pettry stated they were trying to take care of this early, but they lost track of things. When they decided to move forward he found out about these matters and is trying to get them resolved. Mr. Pettry stated he apologized for not being more on top of things. Mr. Marzullo then asked Mr. Pettry when he found out he needed a Special Event Permit. Mr. Pettry stated he found out last year when they wanted to open. Mr. Pettry stated they tried to start early this year and then COVID started, but they decided to move forward anyway to recoup some of the money they spent. Mr. Marzullo stated he is asking because the date received on the application was two days prior. Discussion followed. Mr. Pettry stated that the emails should show that he has been trying for awhile.

Zoning Inspector Wilson stated that Trustee Schulte gave him an email from the Health Department regarding the matter and they stated that sanitation stations should be available, groups should not be standing around and they need to monitor number of people moving through at one time and they are social distancing. Also 3 minutes might not be sufficient time between groups.

Mr. Pettry stated he had seen that and 3 minutes should take them well over halfway through the first floor. Mr. Marzullo stated he believes there are individual rooms inside so they should be able to keep groups separated so no bottlenecks occur.

Mr. Marzullo then inquired where specifically the overflow parking is located and Mr. Pettry stated north of the building. Mr. Pettry stated they can also put overflow in driving range in the event the other parking is full. Mr. Marzullo asked if there will be water balloon shooting and Mr. Pettry stated no. Mr. Marzullo asked what the hecklers will be doing and Mr. Pettry stated people will be on stilts, just entertainment, maybe a clown, no one will be chasing anyone down the street. There could be a small chainsaw inside. They will try to be as quiet as possible, the only noise they should hear is from the putt-putt course which he has no control over.

Ms. Crew stated she has never been to the Haunted Barn and hasn't been part of this in the past, so inquired if there were complaints in the past when it was just the Haunted Barn.

Mr. Pettry stated none that he was aware of, to his knowledge the complaints started because of the outside portion.

Ms. Crew also asked about the hours – are ticket sales done at 11:30 – if the last tickets are purchase at 11:30 they have 30 minutes to get out of there. Mr. Pettry stated yes the last ticket sales will be at 11:30 and their intention is to get everyone through and out by 12:00.

Ch. Kalina asked Mr. Schneider if he had any comments. Mr. Schneider stated they just asked for a permit a few days ago and they don't have permission from the safety forces, he doesn't see how he can get this all done in time for October 2 which is tomorrow. Mr. Schneider stated his other concern is with the COVID and what will happen when someone doesn't use a mask.

Mr. Pettry stated he cannot legally enforce mask wearing if someone has a medical condition – but he could deny them a ticket or if inside, their lead actors can ask them to leave. Mr. Scheider asked if they have hand rails on everything and if people will be wiping them off and Mr. Pettry stated yes and they are asking everyone to sanitize their hands before they come in. Discussion followed.

Mr. Manley stated he has concerns that some of these items haven't been taken care of but if he follows Section 15 this decision should be made by the Zoning Inspector.

Mr. Fischer stated he had nothing else to add.

Trustee Schulte stated that as long as they follow the Code and as long as they follow the Health Department protocols he can't see how the request can be denied.

Trustee Burns had nothing to add to the matter.

Trustee Augustine stated that the items discussed by Police and Fire will have to be addressed.

Ch. Kalina asked if there were any comments from the public.

Scott and Lisa Rushworth – 1006 Bellus Road

Mr. Rushworth stated that his concern would be about the sounds or noise that would carry outside the barn. Last year there was a truck horn and would that be inside the building?

Mrs. Rushworth stated that in the past they could hear chainsaws that were in the barn outside the barn.

Ch. Kalina thanked them.

Mr. Pettry stated that the horn will not be used and they do use a small electric chainsaw inside, but he guarantees that no one outside the building can hear it.

Ch. Kalina thanked everyone and stated that at this time if the Board does not recommend the Special Event permit they will have to wait until the next meeting and that will be after their season ends. So at this time Ch. Kalina would entertain that based on the assurances from the applicant, that there will be no loud noises outside and based on the fact that they have successfully run this in the past and if they are following the Health Department's recommendation and they are ensuring that uniformed officers will be present during all hours of operation and they are ensuring that they resolve their alarm monitoring to the satisfaction of the Fire Department then he doesn't see why this Board wouldn't move forward with the recommendation to issue this Special Event permit.

Zoning Inspector Wilson stated that if the Board agrees to move forward he will follow up to make sure all requirements are met before the opening.

Trustee Augustine asked for assurance that all the requirements will be satisfied prior to opening and Ch. Kalina stated they will have to be met prior to opening. Discussion followed regarding when testing could be done and when they could finalize matters with the Police Department and a possible opening date.

Ch. Kalina stated he will entertain a motion that the Zoning Commission will make a recommendation to the Zoning Inspector to grant and issue a permit for the Special Event based on what was shared with the Board this evening and based on their compliance with Chapter 15 of the Zoning Resolution and their assurances to manage the noises outside the barn and they will follow the Health Department recommendations that they have provided and they will assure that uniformed officers are onsite all hours of operation and they will satisfy the requirements of the Hinckley Township Fire Department regarding their alarm system.

- Mr. Manley moved and Ms. Crew second.
- Mr. Schneider asked if they were able to get everything resolved do they plan to open the following day and Mr. Pettry stated yes. Ch. Kalina stated they purposely didn't put a date on it to allow for resolution of the specified requirements.
- No further discussion.
- Ch. Kalina called for a vote to approve.
- All were in favor.

Kalina – yes, Schneider – yes, Marzullo – yes, Crew – yes, Manley – yes

Ch. Kalina thanked Mr. Pettry for coming in and for trying to balance what he is trying to accomplish with the neighbors.

Ch. Kalina asked Zoning Inspector Wilson if he would like to discuss the issue that came up about the cell phone tower. Ch. Kalina stated that the County Board of Commissioners owns property in the Township by the water tower on 303 and they are proposing to put up a communication tower for their law enforcement, it is not a cell phone tower it is a radio tower. Ch. Kalina stated they have limits on their zoning power regarding telecommunication towers and that he and Zoning Inspector Wilson had discussed this and what the setbacks would be.

Zoning Inspector Wilson stated that the last time he spoke with the County they discussed the setbacks to address a tower fall, but he hasn't heard back yet, so he will follow up with them.

Ch. Kalina stated that the only thing addressed in the resolution regarding falls is windmills. It would be helpful if the County positioned the tower so that if there was a fall it would be on their property.

Trustee Schulte stated he spoke with County Prosecutor Brian Richter and the FAA license they have for the tower will expire at the end of the year. Trustee Schulte stated that this tower is critical to police and fire connecting with County and surrounding areas. Trustee Augustine stated that presently communication is through the Sheriff's office but the parts for the tower are being stored in a warehouse and they would like to get the tower up as soon as possible. Mr. Marzullo asked if there will be a beacon on it and Ch. Kalina stated he thought they would. Discussion followed.

Old Business

Ch. Kalina stated that there has been conversation about individuals who have inquired with the Township about doing a brand new conservation development. Ch. Kalina stated that there have been conversations with the Board about conservation development language, so it might be a good time to review the current language and consider addressing it.

Ch. Kalina stated previously Mr. Marzullo had brought up a pedestrian circulation system so pedestrians could walk safely and easily through the developments. Discussion followed regarding the absence of sidewalks in Redwood Falls.

Ch. Kalina stated that another thing that Mr. Marzullo brought up that's most important is leaving scenic views and vistas unblocked, particularly as seen from public roadways and encouraging residents to be located on the far side of proposed access streets as seen from the public roadways and not fronting on the access street. Ch. Kalina discussed higher density in developments which has been remedied and also that developments were supposed to be pushed back so that people in the community wouldn't really notice a difference when the developments were built. Discussion followed.

Ch. Kalina stated that the other item for discussion is solar. Ch. Kalina referred to information that Mr. Pearl had provided to the Board. Ch. Kalina stated the focus is on the structure mounted solar arrays, it's already in the resolution that you can have them in the yard and the roof. At the time this language was reviewed, the Board had to move forward with the language because the Township didn't have any language, so due to potential litigation, legal counsel recommended they move forward with the proposed language, so at that time there wasn't a lot of discussion regarding structure mounted solar arrays. Ch. Kalina discussed current structure mounted solar array language used by Lafayette Township and stated that his only concern with their language is that it states that solar panels shall not extend more than 36" into a required side, rear or front yard. Discussion followed. Ch. Kalina stated he likes the language as long as it meets the same setbacks as everything else.

Mr. Fischer stated that he had the same concern because there are barns that are tucked into corners where there is not much setback and there could be limited access for maintenance if there is a fence built on the property line. Further discussion followed.

Ch. Kalina asked everyone to review the language for possible use. Mr. Marzullo discussed the idea behind the original language and the concern regarding reflecting and also the aesthetics. Mr. Marzullo suggested that if they are going to revisit, it might be worthwhile to figure out how to minimize glare.

Mr. Jennrich from the audience stated that the actual solar panel absorbs light, but the metal used for installation and things like that could cause the glare. Further discussion followed.

Ch. Kalina stated the Trustees will be holding a Public Hearing on October 6 at 6:00 p.m. to discuss Temporary Sales and Special Events language. Additionally, Hoppy Dudes Brews was reviewed by the Board of Zoning Appeals and their conditional use permit was approved.

Ch. Kalina asked if there were any comments from the audience.

Mr. Jennrich thanked the Board for their efforts. Ch. Kalina stated that the language needed to be changed and Mr. Jennrich and the Rushworths are the reason the Board addressed the Special Event language.

Ch. Kalina stated the next meeting is Thursday, November 5 at 7:00 p.m.

Ch. Kalina entertained a motion to adjourn the October 1, 2020 Zoning Commission Regular meeting.

- Mr. Manley moved and Mr. Marzullo second.
- No further discussion
- Ch. Kalina called for vote to approve
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 8:48 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2020

Christopher Kalina, Chairman

Matt Marzullo, Vice-Chairman

Bruce Schneider, Member

Michele Crew, Member

Dave Manley, Member