

Ch. Kalina called the February 4, 2021 Zoning Commission regular meeting to order at 7:52 p.m.

Roll found: Kalina, Marzullo, Schneider, Crew, Manley

Also in the audience: Alternates Fischer and Wrubel and Trustees Burns and Augustine

Ch. Kalina asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting on November 5, 2020 and if there were any comments. It was noted that there were 2 minor corrections as discussed.

Ch. Kalina stated he would entertain a motion to approve the November 5, 2020 Zoning Commission Regular Meeting minutes, as amended.

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

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

Ch. Kalina asked if there was a representative virtually regarding Serenity Court subdivision. No one was present. Ch. Kalina further stated that he received an email from Suzanne Peterlin stating the applicant requested to hold their submittal so there is no application for a preliminary review. Ch. Kalina stated that what the Board has in front of them is only a concept plan, not a preliminary plan. Ch. Kalina stated that this evening the Board can go through the concept plan.

Ch. Kalina then began discussion of Old Business. Ch. Kalina distributed copies of proposed language for solar for review and discussion. Ch. Kalina explained for the public that Alternative Energy language was approved by the Board some time ago but the solar language needed some housekeeping and this was an opportunity to expand the language regarding solar arrays. The language limits installation of solar arrays to roof mounted only and because homes are unique in design and require flexibility in location of placement to allow for the most efficiency and to produce the maximum amount of energy, the goal is to make solar array language easy and flexible to accommodate additional installation options.

Ch. Kalina explained there are differences between facade, structure and wall mounted installation of solar arrays and the Resolution uses the word wall, but does not use the word façade or define façade, which is used by the solar industry. Ch. Kalina suggested they continue to use the word wall for consistency because façade is not used or defined in the Resolution. Ch. Kalina stated they wanted to make sure there was no confusion regarding utilizing solar arrays on principal and accessory buildings. Ch. Kalina stated that the Board had previously discussed the height of buildings in the Township. Currently nothing can be built higher than 35 feet and Ch. Kalina stated the Board decided they wanted

to maintain the 35 foot building height limit and they wanted to make sure this included solar panels on the roof.

Ch. Kalina stated that discussion took place regarding how much can a property owner expand a solar array, which is not in the Resolution. Ch. Kalina stated this could cause various issues for safety forces, for example being unable to vent the roof or impacting ingress or egress to the structure. Ch. Kalina stated that the language added will address this but not limit or restrict the use of them. Ch. Kalina stated the other topic discussed is how much can a solar array extend beyond a building. Ch. Kalina stated that this depends on the building. These installations will follow the same guidelines as any other structure. Ch. Kalina stated he had received an email from 350 Hinckley regarding the language and they agreed with what was proposed.

Ch. Kalina stated that Mr. Fischer recommended adding solar panels to the proposed language for Section 4.16.

Mr. Marzullo asked if “etc.” can be added and Mr. Fischer stated that “such as” is used and would cover that. Mr. Marzullo stated he is fine with that but wanted to make sure there were no issues in the future.

Mr. Marzullo then asked at what point is a solar array no longer considered roof mounted. Ch. Kalina stated that the bottom line is they don’t limit the size except to limit how much of the yard can be covered and if there is space, there’s no difference than putting in a deck.

Discussion followed regarding roof mounting. Ch. Kalina stated that the Zoning Inspector would make the determination between roof mounted and ground mounted.

Mr. Marzullo referred to Section 18.3 language and questioned if the way it reads suggests that the energy cannot be sold back to the grid.

Ch. Kalina stated they want residents to be able to use energy from solar but they don’t want anyone coming in and installing a farm and selling the power. Mr. Marzullo asked if there is a way to measure the output of solar energy. Ch. Kalina stated that the goal is to make sure the solar is for the residents and businesses use. Discussion followed regarding the usage of solar power.

Trustee Burns explained the production of energy from solar arrays.

Ch. Kalina discussed the proposed language for 18.5A and Mr. Fischer suggested adding in a reference to accessory to maintain consistency.

Mr. Schneider stated his concern is with the use of both terms, solar arrays and solar panels. Mr. Schneider stated that everything in the solar language refers to solar panel, so he would like to see consistency with the terms.

Ch. Kalina asked Trustee Burns for his interpretation of the use of solar panel and solar array and discussion followed.

Mr. Fischer discussed his comments to Section 18.5. He is not sure if they should have roof mounted of any size, the size is limited to what is needed. Discussion followed.

Mr. Fischer stated further that since solar array is considered part of the principal or accessory building, he doesn't know if they need to specify height regulations in the proposed language, those are already found in regulations for principal or accessory building.

Ch. Kalina stated he only added that language for use by the Zoning Inspector and Appeals Board as a reference.

Mr. Marzullo suggested that in the interest of being as simple as possible maybe it is best to keep the language. Mr. Schneider, Ms. Crew and Mr. Manley agreed that it makes sense to leave there.

Discussion followed regarding the proposed language for Section 18.7 Accessory Components and screening requirements.

There were no more comments regarding the proposed solar language.

Ch. Kalina discussed the proposed language for Auto Service Station. Ch. Kalina stated that the language needs work and there is not a lot of information out there about this topic. Ch. Kalina discussed a previous proposed project for a tire store and the issue was whether it was an auto service station or a retail establishment. Ch. Kalina stated he realizes that the definitions for auto service stations are dated. Ch. Kalina stated that there is a big push being made in the industry for electric vehicles, so the goal is to have the language they decide on last awhile.

Ch. Kalina stated they received an email from 350 Hinckley regarding electric vehicle language and Ch. Kalina shared that email. Ch. Kalina stated that their recommendation was to use language referencing a vehicle fueling station including recharging of batteries. Ch. Kalina stated he is happy to incorporate these suggestions into the proposed language for future discussion.

Mr. Marzullo stated the group should consider where they are going to permit electric vehicle charging stations. Ch. Kalina stated this is a large topic because there is so much to address with charging stations, for example cords and levels of charging stations and much more. Ch. Kalina stated he prefers to have something more flexible in the Resolution.

Ch. Kalina stated he would entertain a motion to extend the meeting time to 9:15.

- Mr. Schneider moved and Mr. Manley second.
- There was no further discussion.
- All were in favor.

Ch. Kalina stated to the Board that he would incorporate Mr. Fischer's recommendations to the proposed solar language so they could move forward from that discussion and have it ready for a future public hearing. Ch. Kalina also stated that he would include the proposed language for vehicle fueling stations and electric charging stations for future discussion.

Ch. Kalina asked Mr. Marzullo if he would like to discuss Conservation Development language. Mr. Marzullo stated that ultimately the way the Township is implementing conservation development is a disservice to the residents, the houses are on the street with the conservation development behind them. It would be best to have the conservation development land between the primary thoroughfare and the homes. Mr. Marzullo stated that he believes the vast majority of Hinckley residents want to maintain the rural environment.

Ch. Kalina stated that the goal is to incorporate conservation development language to put homes further off the streets. Ch. Kalina stated that he believes the Board has done a good job with the new yield plan language which will reduce the overall number of homes that can be built and close the loophole that existed. Discussion followed.

Ch. Kalina began discussing New Business and the first item was the concept plan for Serenity Court, a proposed new subdivision. Ch. Kalina stated that Medina County Planning Services has reviewed this. Ch. Kalina stated they are looking at a concept plan because a preliminary plan has not been submitted but he would like the minutes to reflect what is expected when they review the final site plan. The applicant has proposed 13 sublots, extending 1 public street and that will be terminated into a permanent cul-de-sac. This is in the R-1 district, 2 acres or more. The Medina County Planning Services recommended approval with modifications. Ch. Kalina stated that there will be no action at this meeting because they only have a concept plan, but Ch. Kalina's recommendations would be to satisfy all the comments in the Medina County Planning Services report, that the applicant submit all required data and information as listed in the Medina County Planning Services report and that the applicant satisfy the Department comments and the correction notices as indicated by the Hinckley Fire department in their site plan review.

Mr. Schneider stated it looks like a good plan.

Mr. Marzullo asked Trustee Augustine about the radio repeater and its proposed location. Ch. Kalina stated they are putting it on the water tower property. Mr. Marzullo stated they did a nice job putting this together.

Ms. Crew stated she really likes the development and the area. Ms. Crew asked when they keep the 20 acres will that be rezoned. Ch. Kalina stated it won't be included in the subdivision and once removed from the subdivision it's not reviewed by the Commission.

Mr. Manley liked the plan.

Mr. Fischer stated it looks great but would like to know if they are putting in front signage. Ch. Kalina stated that is something that can be addressed when they come in for the final.

Ms. Wrubel stated it looks great but asked if one of the sublots is primarily wetlands in the front. Ch. Kalina stated they can have a lot with wetlands in the front but there has to be room in the envelope to put the house.

Trustee Augustine asked if there is an island in the cul-de-sac. Ch. Kalina stated that the Township does not allow islands at this time even though he believes they can be beneficial when done right and maintained.

Ch. Kalina stated he would entertain a motion to extend the meeting an additional 15 minutes.

- Mr. Schneider moved and Mr. Manley second.
- There was no further discussion.
- All were in favor.

Discussion followed regarding cul-de-sacs and islands in cul-de-sacs.

Ch. Kalina stated further that they received an application for variances and conditional use permit for the Hinckley Senior Housing Apartment subdivision. Ch. Kalina read the correspondence he received from Brian Richter, who serves as legal counsel for the Township and with the Medina County Prosecutor's office, regarding the project. Mr. Richter stated that it is the Board of Zoning Appeal's duty to hear the variance request and it's the Board of Zoning Appeal's duty to determine if whether or not a conditional zoning certificate is appropriate and what if any conditions should be placed on that project or certificate. Ch. Kalina stated that the second part is if the conditional permit is granted the developer would then have to comply with the other portions of the zoning resolution such as Chapter 11, site plan review, which falls under the Zoning Commission's authority.

Ch. Kalina entertained a motion to table the review of the Hinckley Senior Apartment Subdivision.

- Mr. Manley moved and Mr. Schneider second.
- Ch. Kalina stated this will be tabled until their next regular meeting.
- There was no further discussion.
- All were in favor.

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

Ch. Kalina stated that Aldi wanted to change their driveway and the determination was made at that time that it didn't need to come through the Board and it could go through the Zoning Inspector's office. Since

that time Aldi has changed their plan, they would like to add a guard building among other things. Ch. Kalina stated Aldi is trying to keep the traffic off of W. 130th and what they are essentially proposing is a truck queue. Ch. Kalina stated that this will have to be reviewed by the Zoning Inspector due to the changes that Aldi is requesting.

Ch. Kalina stated that there have been so many comments about the 15 foot setback from a principal building, specifically most comments are regarding pools. Currently if someone has to put a pool in they must be 15 feet away from their home and this has been a challenge. This also applies to other things that people might want to put outside their home, including gazebos or outdoor kitchens. Ch. Kalina asked the Board to give some thought to this matter.

Ch. Kalina asked if there was anything further. There was nothing.

Ch. Kalina entertained a motion to adjourn the February 4, 2021 Zoning Commission Regular Meeting.

- Ms. Crew moved and Mr. Marzullo second.
- No further discussion.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 9:32 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2021

Christopher Kalina, Chairman

Matt Marzullo, Vice-Chairman

Bruce Schneider, Member

Michelle Crew, Member

Dave Manley, Member