

Acting Ch. Marzullo called the March 4, 2021 Zoning Commission regular meeting to order at 7:00 p.m.

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

Also in attendance: Alternate Wrubel, Trustees Burns, Kalina and Augustine

Acting Ch. Marzullo stated that Trustee Kalina had tendered his resignation from the Zoning Commission Board to fill the vacant Trustee position that had been held by Ray Schulte and Mr. Marzullo will step into the Chairman position on the Zoning Commission Board. Mr. Fischer will step into a voting role for this meeting to fill the vacancy left by Mr. Marzullo.

Acting Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission Organizational meeting on February 4, 2021 and if there were any comments or corrections. There were none.

Acting Ch. Marzullo stated he would entertain a motion to approve the February 4, 2021 Zoning Commission Organizational Meeting minutes.

- Mr. Schneider moved and Mr. Manley second.
- There was no further discussion.
- Acting Ch. Marzullo called for vote to approve.
- All were in favor.

Marzullo – yes, Schneider, - yes, Crew – yes, Fischer – yes, Manley – yes

Acting Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission Regular Meeting on February 4, 2021 and if there were any comments or corrections. There were none.

Acting Ch. Marzullo stated he would entertain a motion to approve the February 4, 2021 Zoning Commission Regular Meeting minutes.

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

Marzullo – yes, Schneider, - yes, Crew – yes, Fischer – yes, Manley – yes

Acting Ch. Marzullo stated there was correspondence from Mr. Pearl with 350 Hinckley stating he appreciated the language.

Acting Ch. Marzullo asked if everyone had received copies of the updated proposed solar language and if there were any comments.

Mr. Fischer questioned the language in Section 18.3 regarding accessory use to accessory building and Mr. Fischer asked if accessory use can be changed to permitted principal use because he's not sure how an accessory building could have an accessory use.

Acting Ch. Marzullo stated his interpretation of the language was that the solar array accessory use was powering the accessory building, not necessarily the primary building. Mr. Fischer stated that it might be better to say accessory use to a permitted principal use, so whatever the property is zoned for this is an accessory use to that.

Ms. Crew stated that there might be confusion because they are saying principal use and earlier they were saying principal building. Acting Ch. Marzullo stated possibly the use of the word building is causing confusion. Discussion followed.

Mr. Schneider stated the way he reads it the solar unit can only be used on the principal building and if there's a solar unit on an accessory building, the power can only be used on the accessory building and not used on any other building on the property. Further discussion followed.

Mr. Manley asked how is it known where the power is being used, either on an accessory building or a principal building.

Further discussion followed.

Trustee Kalina stated that a resident attending virtually directed a comment for Mr. Fischer that generated power goes to a meter not a building. Mr. Marzullo stated that ultimately there's one meter and that's where the power goes.

Mr. Fischer stated he interprets the language to mean that the power has to be consumed by something on the property so that a property owner doesn't become a power energy provider outside of their property.

Ms. Crew asked if there should be language added regarding this to clarify that it shouldn't be used outside of the property. Mr. Marzullo stated that there is language included referencing that.

Trustee Burns stated that Ohio Edison doesn't allow sharing of power. Mr. Fischer stated he still likes the statement in the proposed language so they don't have to rely on Ohio Edison in case they change something in the future.

Further discussion followed regarding the language referencing the accessory use to an accessory building.

Trustee Kalina stated that this has to be established as an accessory use so a person is not having a solar farm, but the question is does it matter if it's an accessory use to a principal use or a conditional use,

does the word principal even matter. If the permitted use is already there, does the Board care what the use is. Further discussion followed.

Trustee Kalina read comments from representatives of 350 Hinckley. When the sun is out the excess power is always going out to the grid. They believe it's against the contract with the energy supplier to export power off the property. If not connected to the grid they can share power with a neighboring property if there is an arrangement. Further discussion followed.

Acting Ch. Marzullo summarized that he feels permitted use should be used because the addition or removal of any solar array doesn't materially change the site or the use, nothing changes about the location. Further discussion followed.

Acting Ch. Marzullo asked the Board for their final comments on the suggested language regarding accessory use to accessory building and it was decided to modify the suggested language for Section 18.3. Uses to the Accessory to read: Alternative energy facilities shall only be permitted as an accessory use to a permitted use, where not designed as an integral part of the principal or accessory buildings. Such facilities shall be considered accessory structures, such facilities shall be designed, installed and constructed to provide electrical power and/or heat to be primarily consumed by the principal use and/or accessory building. Cooperative facilities and/or distribution of power to other properties are prohibited.

Acting Ch. Marzullo entertained a motion to move forward with the proposed language for Section 18.3.

- Mr. Manley moved and Ms. Crew second.
- Trustee Kalina asked if they are moving at this point that the Board is in agreement with the proposed language as discussed and Acting Ch. Marzullo confirmed that is what they are moving on.
- Alternate Wrubel asked about language in Section 18.5a where it states "~~and/or~~ accessory structure". It was determined that the second "or" in the first sentence should be removed as it was a typo. *"and not an or"*
- Acting Ch. Marzullo called for vote to approve.
- All were in favor.

Marzullo – yes, Schneider – yes, Crew – yes, Manley, Fischer - yes

Acting Ch. Marzullo began discussion on the definition for Automobile Service Stations. Acting Ch. Marzullo read the definition in the Resolution and stated that he felt this is a dated definition and they should consider language covering modern day service stations.

Trustee Kalina stated that he spoke with Mr. Rob Henwood, head planner for Medina County Planning Services. Based on Mr. Henwood's recollection there haven't been any updates in the County and the majority of Townships have the same definition, it is most likely a boiler plate definition. Trustee Kalina asked everyone to look at Copley Township's language regarding Service Stations. Trustee Kalina stated

he felt it was very extensive language but that it does cover many modern day service station facilities. Trustee Kalina stated he felt the Board should have a discussion on where this should be permitted also.

Mr. Fischer asked if the Trustees had a preference or priority for the discussion of Automobile Service Station or Conservation Development. Trustee Burns stated he didn't want to set the agenda for the Board. Ms. Crew stated that Conservation Development is more of a priority now, but automobile fueling stations are also at the forefront. Electric vehicles are more common now and should be addressed, but Conservation Development language is a hot topic. Trustee Kalina stated that Conservation Development should be looked at because it is important.

Acting Ch. Marzullo began discussing proposed language for Conservation Development. Acting Ch. Marzullo stated he would like to see language in the resolution that requires that conservation development land is between the primary thoroughfare and the initial development so that people driving through the Township are not seeing development after development, and they are seeing the rural character of the Township.

Mr. Fischer asked if Acting Ch. Marzullo would like to use a certain setback to achieve the placement of the conservation development and ~~Alternate~~^{Acting} Ch. Marzullo stated his suggestion would be to make it a certain percentage. The idea behind increasing the language to include the buffer would push the houses further into nature, it would make for a nicer housing development and a nicer community.

Mr. Fischer stated most conservation developments start as farmland and he would like to see language discussing how to improve the farmland and maybe begin a reforestation plan from the beginning. Acting Ch. Marzullo stated he will have to do some research to determine if this would be permitted on conservation land. Ms. Crew stated she is all for a buffer to preserve the rural character of the Township. Discussion followed.

Alternate Wrubel stated that when a subdivision plat is recorded that is the time a conservation easement will be depicted on the plat map. Usually, not always, the conservation easement will be contemporaneously recorded with the declaration of covenants and restrictions if it is part of a homeowners' association.

Acting Ch. Marzullo thanked Alt. Wrubel and stated that what they are wondering is, throughout the course of construction of conservation development how much adjustment is considered acceptable because there will be some change as construction takes place and can the area be changed during construction. Alt. Wrubel stated that she thought until it is actually granted for conservation purposes there could be changes made, but she will look into this further.

Trustee Kalina stated that this came up during the construction of Redwood Falls, mounding was taking place in an open area and it was determined mounding could be done because nothing had been filed yet. Discussion followed.

Mr. Schneider asked for clarification on the status of Redwood Falls and the adjoining property and Trustee Burns stated he would look into that. Discussion followed regarding Redwood Falls.

Acting Ch. Marzullo stated that getting back to the initial question of how to provide the screening and setback that the majority of Hinckley residents are interested in, he felt Chapter 6 would discuss this issue. Discussion took place regarding using setbacks for conservation areas.

Ms. Wrubel stated that the conservation easement areas are actually part of the common areas, there is an easement for conservation but the title remains in the association's name, but for our purposes in crafting language the Board might have to double up on what the initial frontage would be for a conservation area vs. a manicured portion of the common elements.

Trustee Kalina stated that in reviewing 6R1.7 – Criteria for Conservation Development, the goal is to conserve the rural quality and scenic vistas and views. The language that was suggested previously was to leave scenic views and vistas unblocked or uninterrupted particularly as seen from existing roadways and residences should be located on the far side of proposed access streets as seen from the existing public roadways. Trustee Kalina stated there's no equation in this, just a goal that is articulated, so if the developer looks at that they have an idea.

Acting Ch. Marzullo referred to the language on p. 45 in the Resolution 6R1.7.C.2. – is it possible to adjust it to remove the word maximum and replace with something like ensure buildings are masked from view of primary thoroughfare in order to limit disruptions of scenic view. Discussion followed.

Acting Ch. Marzullo stated that it sounds like everyone is willing to discuss the issue, but where do we begin. Mr. Fischer stated that the yield plan solves how many homes are built, and there is a requirement that the lots be contiguous and all lots connected to a single main road, the only other problem is the distance so the Board will have to figure out if we use a percentage or a setback and what the language would be. Mr. Fischer stated that we are just talking about 1 or 2 rules and it sounds like we are proposing something like a rule as opposed to a goal.

Acting Ch. Marzullo stated that his concern is the conservation easement be towards the front of the development. Trustee Kalina stated this is an option, it is not required. The developer is saving money by putting in conservation so there shouldn't be a problem adding additional language. Discussion followed.

Mr. Fischer stated that he thinks sometimes it is better to have a rule in place to provide some measure of ability to negotiate and this could allow for a good outcome for the community. Discussion followed.

Acting Ch. Marzullo stated that he believes down the road they should prepare conservation development language that preserves the rural feel of Hinckley. Ms. Crew suggested contacting other communities to research the language they use for maintaining the concept of rural, open feeling. Acting Ch. Marzullo stated he is happy to do the legwork to begin drafting the language and it is important when coming up with regulations that it fits Hinckley. Acting Ch. Marzullo asked the board members to find the communities they like and do some research regarding their regulations.

Acting Ch. Marzullo stated that they are almost at the 2 hour mark so he recommended tabling the discussion until the next meeting.

Acting Ch. Marzullo stated there is one piece of new business which is to name the new Chairperson to fill the vacancy left by Trustee Kalina. Mr. Manley recommended that Acting Ch. Marzullo fill the vacancy and Acting Ch. Marzullo stated he is happy to do it, but asked if anyone else was interested in the position. There was no interest from anyone else.

All were in favor of Acting Ch. Marzullo filling the Chairman position.

Ch. Marzullo asked if anyone was interested in the Vice Ch. vacancy and Mr. Schneider recommended Mr. ^{Fischer} Fisher for that opening. No one else was interested in the Vice Ch. Opening and it was determined that a recommendation would be made at the next Trustee meeting that Mr. Fischer be considered for the permanent voting role vacancy.

Ch. Marzullo asked if there was any other business. Trustee Augustine thanked everyone for their hard work. Mr. Pearl asked if he could have an email address for the new chairperson and Ch. Marzullo stated his email address.

There was no further business or comments.


Ch. Marzullo entertained a motion to adjourn the March 4, 2021 Zoning Commission Regular Meeting.

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


The Zoning Commission Regular Meeting was adjourned at 9:03 p.m.


Judi Stupka, Recording Secretary


Minutes Approved: 1 April, 2021


Matt Marzullo, Chairman


Bruce Schreider, Member


Michelle Crew, Member


Dave Manley, Member


Marcus Fischer, Member