

ZONING COMMISSION

Regular Meeting

February 1, 2018

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Ch. Spellman called the regular meeting to order at 7:04 p.m.

Roll found: Spellman, Dermody, Powell, Schneider and Marzullo.

Also in the audience were Alternate McCarthy, Trustee Lutzko, Trustee Burns, Zoning Inspector Wilson, Chris Studor, Becky Overcashier, Gary Krohs, Nancy Mandilakis, Barb Lege, Jim Bialosky, John Janmey, Allen Bowman, Alison Hall, Don Gratzner, Kelly Gratzner, Bob Cooperrider, Ginny Schneider, Kevin Mendenhall, John Sumodi, Travis Crane and Doug Krause.

Ch. Spellman asked if everyone had received and read the minutes from the Organizational Meeting held on January 4, 2018. Ch. Spellman said there were two items to be amended in the 1/4/18 Organizational Meeting Minutes:

- On Page 4 it stated that Vice-Ch. Dermody would accept the nomination to be the ZC representative to the BZA meetings. Now that Mr. Schneider has been sworn in, it was agreed that he would volunteer and continue his role as the ZC representative to attend the BZA meetings.
 - Chairman Spellman entertained a motion for Mr. Schneider to be the liaison to the BZA for the Zoning Commission.
 - Motion was made by Mr. Marzullo
 - Seconded by Mr. Schneider
 - No further discussion
 - Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

- On Page 7, on the last vote to adjourn the meeting, “Schneider – Yes” should be struck from the minutes as Mr. Schneider was not a voting member during that meeting.

Ch. Spellman entertained a motion to accept the minutes for the 1/4/18 Organizational Meeting Minutes as amended:

- Motion was made by Mr. Powell
- Seconded by Vice-Chair Dermody
- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

Ch. Spellman asked if everyone had received and read the updated Zoning Commission Organizational Guidelines and Procedures. No vote would be necessary. Ch. Spellman said there was one item to be amended:

- The last paragraph on Page 1 should be removed.

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Ch. Spellman asked if everyone had received and read the minutes from the ZC Regular Meeting held on January 4, 2018.

Ch. Spellman entertained a motion to accept the minutes as submitted.

- Motion was made by Mr. Schneider
- Seconded by Mr. Marzullo
- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

Ch. Spellman asked if everyone had received and read the minutes from the Work Session held on January 18, 2018.

Ch. Spellman entertained a motion to accept the minutes as submitted.

- Motion was made by Vice-Ch. Dermody
- Seconded by Mr. Powell
- Vice-Ch. thanked Recording Secretary Chism for doing such a nice job with the detailed minutes. Ch. Spellman agreed.
- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

Prior to returning to the agenda, Chairman Spellman acknowledged and thanked the people in the audience for coming and stated that all meetings are open to the public.

Ch. Spellman stated that the only item on the agenda was to start the process of reviewing the Skyland Development Plan with the understanding that no vote would be taken at this meeting. By following this process it will allow the development to move onto the next step. The last step will be the final development review which must be submitted within one year of filing.

Ch. Spellman felt it was important for everyone to understand the Purpose of the Zoning Regulations 6R1.7 Development Standards and Criteria Conservation Development, Page 44, and read into record:

- A – Purpose
- 1. Maximize protection of the community's natural resources
 - a - development ... natural resource areas ...
 - b – storm water runoff ...
 - c – natural characteristics ...
 - d – reducing amount of disturbed land ...

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- 2. Conserve the rural quality of Hinckley Township
 - a – large, aggregated, undeveloped land areas
 - b – natural features ...
 - c – scenic vistas and rural views
 - d – significant historic features ...
 - e – traditional rural settlement patterns ...
 - f – appropriate topographic or vegetative screens
- 3. Utilize development review criteria which promote creative design solutions in matter which best conserve the area's resources
- 4. Utilize a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application
- 5. Ensure that the proposed Conservation Development complies with the objectives of Hinckley Township as expressed in the Master Policy Plan & Update

Ch. Spellman continued and stated that with that information in hand; it is the Zoning Commissions job to review the General Development plan to make sure what is being submitted is in compliance with the Townships regulations.

Ch. Spellman asked Zoning Inspector Wilson his thoughts. ZI Wilson said that the general plan was submitted in December 2017 under 6R1.8.A and confirmed it was correct.

Ch. Spellman said in January 2018, they have received feedback from the following:

- Medina County Planning Services
- Hinckley Township Fire Inspector
- George Smerigan from Tactical Planning , the unbiased 3rd Party Consultant
- Trustee Burns
- Mr. Bialosky, Arborcrest HOA

Ch. Spellman said that the next step is to review, in fine detail, and address a number of areas of concerns. Ch. Spellman stated that they have received concerns from the public which include:

- Appearance of higher density of homes
- Burden on the school system
- Traffic congestion
- Sewer system

Ch. Spellman also added that they have issues that were raised during the Work Session that included:

- Restricted open space at the front of the development vs. common area
- Language differences adopted by the HOA
- Waiver of % of occupied homes to take over the HOA
- Potential waiver for setbacks
- Wetlands and riparian
- Land separating lots 24 and 41
- Lots 12 and 13 that abut Stoney Hill properties
- Open item from Planning Commission - ODOT issues concerning the entrance

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- Exact designation and use of the existing clubhouse and Block F
- Lot 98

Ch. Spellman stated that if it appears the discussion will last longer than 2 hours they will take a motion to extend the meeting. He also suggested that they address the smaller issues first.

Front of the Development and Blocks E and F

- Block E is restricted
- Block F is common
- Offset parts of Block F
- Would like for the allowance of landscaping on Block E
- Mr. Crane said that they are prepared to make that adjustment

Moving the restricted area into a common area (wetlands)

- Mr. Smerigan said by moving some of the restricted areas away from the homeowners it will help to keep them from being filled in
- Mr. Crane said:
 - a lot of time and effort was put into avoiding the wetlands, environmental and sensitive areas
 - that 50% of the lots in question containing the wetlands could be easily revised by changing the lot lines
 - Lots 16, 17, 18 – they could pull the lot lines back and get wetlands off of those lots
 - Lots 45, 46 – Could slide the lot lines to the east toward Stoney Hill; wetlands off of lot 45
 - Lot 49 – is a problem however they believe that it will be a high value lot – would degrade this lot if it was changed
 - Lot 49 – if it doesn't work out they could move that land to Block C – don't want to do that
 - Block C was granted with the County
 - Lots 80, 81, 82, 83 are oversized – could make them smaller but they are high value because they are perched on a bluff
- There was a discussion concerning the wetlands:
 - Mr. Krause - The wetlands are 3 tenths of an acre with setbacks
 - Mr. Crane - Allowed jurisdiction of wetlands (Army Corp of Engineers and Ohio EPA) – ½ acre of wetlands
 - Mr. Smerigan – Trying to protect the wetlands – extent to have the lots to be adjusted don't want someone to fill those lots in
 - Mr. Crane – Changing lots 1,2,3,16,17,18 – it's a line on the paper – they can pull 5 feet back without having an impact on the value of the lot
 - Mr. Crane – Lots 45 and 46 could slide them to the west; would like to keep lot 49 as is – high value lot
 - Mr. Powell was concerned about how close the wetlands will be to the back of the houses and to the end of the backyards; would houses be built on top of the wetlands on lot 49

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- Mr. Crane said the lots were 83 feet deep and he believes that they will be 10-20 feet from the wetlands
- Everyone was in agreement that they would like to preserve the wetlands but Mr. Crane added that they could fill in the wetlands in that area and a homeowner could also fill it in if they don't like it.

Ch. Spellman said the goal is to protect the wetlands. He would like a guarantee from the homeowners that they will not fill in the wetlands after they build. Mr. Crane said that there are no guarantees but they could sign it in an easement. They would be ok to signing an encroachment since the objective is to preserve the land. Their objective has always been to preserve the wetlands.

There was a break with the wetlands discussion and Mr. Crane was asked about their meeting with ODOT. He said that they had met with ODOT in Ashland and they were told to keep the drive on the east side of the clubhouse but to move it 30 feet to the west. This will make it closer to the intersection but it will be a minor change.

The discussion concerning lot 49 continued:

- Ch. Spellman said that Lot 49 will be an area that will be looked at during the on-site visit
- The lot could be made a lot smaller with more of a setback
- The lot could be shallower
- Mr. Crane stated that there were no requirements for rear lot setbacks
- Make the lots shorter but wider
- It is a prime lot; the owner of the lot would be made aware that they did not own the wetlands
- Would rather keep the lots closer to the same size with easements
- There again was great concern that a homeowner will fill in the wetlands if it is too close to their home
- The builders are within their rights to also fill in the wetlands but would rather not
- Ch. Spellman said that they could put an easement on the lot so it will be untouchable by the landowner
- Mr. Crane added that when the development is filled some of the wetlands will recoup when the area starts to naturalize
- Mr. Smerigan added that the Conservation Developers will have control over the wetlands

Ch. Spellman said to recap the discussion so far:

- Lots 16, 17,18 – pull forward lines
- Lots 45, 46 – shift to the west
- Lot 49 – grant easement
- Lots 80, 81, 82, and 83:
 - They are big lots
 - They will all have back yards
 - They will not be up against the wetlands so there will be less risk
 - They should remain the way they appear on the plans
 - Our job is to protect the wetlands and keep the riparian setback

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Waiver for the HOA

Mr. Krause said that they were willing to change the 90% ownership to 75% ownership to meet the Townships requirements with no drop dead date.

Future use of Block F, Clubhouse and Parking Lot

- Clubhouse is for the development only
- Cannot use clubhouse for a public restaurant
- Want to keep it for historical architecture
- This is recreational open space
- Mr. Crane said they would revise Block F to include the clubhouse, parking area and call it a recreational open space for use by the HOA

Open space between Lots 24 and 41

- Eliminating the space will still meet the required open space
- Join the two lots, lengthen or widen them

Lots that back up to each other as opposed to open space:

- Mr. Smerigan said they have done a good job of backing up the lots to open space
- Mr. Smerigan said they need to do setbacks on those lots that touch each other
- Need to designate the rear setback - 10-15 feet side yards
- The lots in question are 4, 5, 21, 22, 41 and 42
- Most lots back up to common or restricted areas so it doesn't concern most of the development

Lot 40

- Mr. Powell asked how lot 40 will be sheltered from Route 303 since it is at the very beginning of the development
- Mounds
- Landscape open space on rear of lot 40
- Screening future residents from Route 303

House and neighborhood standards

Mr. Krause said that they have made the following changes:

- Reducing the base square footage of the sizes of the houses:
 - Single floor houses – 2,000 sq ft
 - 1 ½ story houses – 2,400 sq ft
 - 2 story houses – 2,800 sq ft
- Having the side garages will not fit for all houses and lots - some of the houses will have face forward garages
- They would like some flexibility with the standards
- Mr. Smerigan said that reasonable adjustments should be considered
 - Lot 49 would not have the space for a side garage

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- Mr. Crane said that there is a lot of potential for tree growth but doesn't want to confine the homeowner too much if they want to do something different
- Trustee Burns wants to maintain the exception and not as the norm
- Mr. Crane said they have not changed the vision or product concerning the required base house side – would like to have flexibility – keeping in character of the neighborhood

Lot 98

A discussion ensued concerning Lot 98. The discussion included:

- Residents and the ZC required a better understanding as to how lot 98 could be a part of the Skyland Development
- Mr. Sumodi owns the 20 acres of land that makes up lot 98 and abuts the Skyland property at the end of his land; he is giving the Skyland property the last 5 acres of his property
- Mr. Krause said that the back 5 acres of lot 98 are very mature forest and it meets the requirements of the Township
 - It is contiguous
 - Multi-ownership
 - Preserving the woods
 - The Ledges of Stone Creek Development
 - Agreement to the water easement through his personal property to satisfy the Townships goal of getting water to downtown
 - There is nothing in the Township requirements that say Mr. Sumodi's property can't be bigger (more acreage) than other lots in the development
- It was asked if the water easement could go through the church parking lot and the answer was probably not but they have not heard back from the diocese
- Mr. Sumodi stated he offered to give the township an easement to run the water line through his property
- There is concern that lot 98 is not connected to the development via a roadway
- The development needs Mr. Sumodi's acreage to reach the 200 acre's needed for the development
- If Mr. Sumodi's land is not a part of the development, the number of houses would go from 98 to 92
- Mr. Smerigan said there has to be a trade-off
- Discussion ensued about subdividing Lot 98 if it is not a part of the development:
 - Could get easements from others who abut Skyland
 - Mr. Marzullo asked who approached Mr. Sumodi about selling their back property for a land easement but he said he would not comment
 - By keeping Mr. Sumodi's back acreage, it would keep that land protected
 - If the lot is excluded how would that impact the Skyland acreage
 - Mr. Sumodi would not agree to not be part of the development
- Discussion ensued about Mr. Sumodi following the rules of the HOA
 - How his land would be monitored since it is not visibly seen from the streets of the HOA
 - Mr. Sumodi said he would not warehouse anything on his land
 - Assessments will apply
 - Fiduciary duty as a Class B member

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- Will become a Class A member after 75% ownership and the homeowners take over the HOA
- It would be a gain to Mr. Sumodi by being in the HOA
- Ch. Spellman said that he is unsure if the citizens of Hinckley demand city water – he would defer that question to the Trustees
- Mr. Smerigan stated that Mr. Sumodi is not violating anything but the disconnect of his property from the rest of the development is the problem; that it is hard to envision his property will be a part of the HOA since you can't get to it from the development
- Mr. Crane reminded everyone that the only requirement concerning Mr. Sumodi's property is that it is contiguous; it abuts Skyland
- Keyword is contiguous
- A discussion ensued concerning spirit and intent which is stated in the development plan
 - Having an unattached house doesn't seem to fit the spirit
 - The spirit is to preserve property which will be done
 - There is an unease about this
- Trustee Burns said that lot 98 will maximize the conservation area and not maximize the number of houses
- Trustee Burns asked if Mr. Sumodi would be agreeable to give 10 acres to the development instead of 5 acres

At the end of the discussion concerning lot 98 owned by Mr. Sumodi, he agreed to give an additional 5 acres to the development – so the back of his property that abuts the Skyland Development will be 10 acres of his land instead of the original 5 acres. Mr. Smerigan said that the extra acreage added by Mr. Sumodi should be made up in the common area since there are no restrictions; balancing of the 50% where you can't waiver the density; recalculations will have to be made if you decide to add the extra acreage to the restricted open space.

Mr. Smerigan, Mr. Crane, Mr. Sumodi and Mr. Krause approached the table to mark the additional 5 acres that Mr. Sumodi is deeding to the development.

Trustee Burns wanted to be sure that encroachments are understood.

Mr. Crane said that he wanted to keep the land protected in front of Blocks B & C. Mr. Smerigan added that Block F should be added and lot 40 could be increased.

Ch. Spellman entertained a motion to continue the meeting for an additional 60 minutes.

- Motion was made by Mr. Powell
- Seconded by Mr. Schneider
- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

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Discussion continued concerning lot 98. Mr. Smerigan said with adding the extra 5 acres it will give more to the conservation and adding more common space in the front of the development would make sense. Ch. Spellman stated that although we may not like having lot 98 as a part of the Skyland Development, no rules have been broken and "we don't like it" won't hold up in court. If Mr. Sumodi is willing to add additional acreage to the development which will ensure that the back 10 acres of his property will be preserved then lot 98 will stay in the development; perhaps Mr. Sumodi will grant access to his land during the site review.

Mr. Smerigan made the recommendation that new verbiage and adjustments to the regulations be added to the requirements:

- All of the lots have to have access from the internal streets
- Cannot be accessed from existing streets not attached to the development

A discussion ensued concerning the intent of the regulations:

- Not to maximize the number of houses
- To preserve and keep density
- Words matter and it is something we should look at in the future
- Common space is there and the density is not going to change
- Don't want a suburban development in a rural township
- Squeeze in so many houses for a monetary gain
- The language will be there

Ms. Ginny Schneider from the audience asked to speak and stated:

- She lives on Stoney Hill and is aware of the golf course and the new development
- She wants to maintain the spirit of the town
- Used to seeing 2 acre lots
- Not looking to see a condensed development
- Want to remain rural, that's why we live here
- Is afraid that the township is setting a precedent

Ch. Spellman thanked Ms. Schneider for her comments. He said that this is not a simple decision to be made and that the ZC has the following options:

- They don't like lot 98 as being a part of the development so take it out
- Leave it as is
- Leave it with the additional 5 acres
- There is no option #4

Ch. Spellman asked the members of the Township Zoning Commission and others their thoughts:

- Vice-Ch. Dermody said that she chooses Option 1
 - Take out lot 98
 - Doesn't want to set a precedent
 - Does not follow the spirit of the Township
- Mr. Schneider
 - Would like to redo the calculations to see if the acreage matches up

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- Wants to preserve the wetlands and riparian setbacks
- Wants to be sure Mr. Sumodi understands that lot 98 will change and that he will be a part of the HOA
- Mr. Sumodi stated that he understands that fact and that he will be a part of the development and the HOA
- Riparian setbacks for current and future owners
- Mr. Powell
 - Does not like lot 98 but is willing to compromise
 - He chooses Opt 3 – leave it in with the additional 5 acres
- Mr. Marzullo
 - Doesn't feel lot 98 belongs in the development
 - It is only there to increase the number of lots
 - Doesn't change the conservation development
- Mr. Sumodi wanted to remind everyone he is willing to have the water brought though his property
- Ch. Spellman
 - Doesn't like it but it is legal
 - There is nothing that is non-conforming
 - Feels as if they took advantage of the township of how the code is written
 - Will need to revise the code
 - We don't have much choice in the matter
 - Appreciate the fact that Mr. Sumodi agrees to add an extra 5 acres
 - Option 3
- Trustee Burns
 - Concurs
 - Not in the spirit of our language
- Mr. Smerigan stated:
 - The code and the master plan are not inconsistent
 - Language having a conservation is consistent with the plan with this location
- Mr. Crane
 - Concerning the conservation easement, the conservation 3rd party will be responsible for monitoring the conservation areas which would include assessing fees if warranted
 - A lot of open space to monitor

Ch. Spellman said that they will need to see the following:

- Management Plan for the restricted open space
- See the additional 5 acres added to the plan
- If everyone is in agreement, modifications to the plan

Ch. Spellman asked where the additional 5 acres will be offset. Mr. Crane's response:

- Somewhere up front – Block A
- Open space in the back
- Block E – non-restricted
- Land behind lots 45 and 46

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- Lots 38 and 39 converting some into common space

Ch. Spellman asked if we can go forward with lot 98:

- Mr. Marzullo – understands
- Mr. Schneider – feels it makes for a better plan
- Mr. Powell – yes
- Vice-Ch. Dermody – yes

1/30/18 letter from Fire Inspector Joshua Erskine concerning the Skyland Development Plan and minutes from the Hinckley Trustees 12/26/17 meeting

Ch. Spellman asked if everyone had seen the letter from Fire Inspector Erskine. Copies were made for those requesting copies. In the letter it was stated that the Fire Department was requesting a Fire apparatus access road or to have automatic sprinkler systems which would negate the need to have an apparatus access road.

Mr. Crane responded:

- Timing of the new codes
- It was unclear as to what the Trustees had adopted
- No actual copy of the document can be found
- Township can't adopt a building code per ORC 505.75
- What they said they would adopt is in conflict with state law
- Adopt specific – none of that was done
- Passed after the Skyland Development Plan was submitted on 12/19/17
- No one knows what was passed
- Asked for a copy from Hinckley Township – couldn't give them one
- Ch. Spellman stated they filed the plan on 12/19/17 and the new regulations were adopted on 12/26/17

Due to the ambiguous understanding of the references in the letter, Ch. Spellman asked Trustee Burns if he could follow-up on this so there could be some clarification. Mr. Burns said he would and also brought up what was recommended by the Medina County Planning Commission when they granted the variance. He also stated that, in fairness, we should find out what the regulations were at the time the plan was submitted on 12/19/17.

Discussion ensued as to the responsibilities of the Fire Department and the Zoning Commission. With reference to an additional access road, Mr. Crane said there are two roads into the development, the main road off of Route 303 and a second access on Stoney Hill and he feels this is a non-issue.

Ch. Spellman said that we have four minutes to wrap everything up. He explained the timeline of the process:

- The areas of change to the site plan have been discussed
- The next time the site plan will reviewed will be in the final state
- The revisions will be reviewed at which time they should be able to sign off on it

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- Hopefully at that time a vote will be taken

Ch. Spellman asked if it was necessary to have a site walk though. It was agreed that it was necessary and everyone was reminded that the public is welcome to attend the site review which will be held on Sunday February 25, 2018 at noon.

Ch. Spellman entertained a motion to continue the meeting for an additional 15 minutes.

- Motion was made by Mr. Schneider
- Seconded by Mr. Powell
- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

Ch. Spellman read from the regulations 6.81.D (page 54) on the requirements of a site visit and reiterated that the site review is a public meeting and the following will take place:

- Open the meeting at the Town Hall on 2/25/18 at noon
- Adjourn the meeting
- Meet at the Skyland Club House
- Continue the meeting there
- Return to the Town Hall and adjourn the meeting

Ch. Spellman entertained a motion to have the Skyland Development site visit on Sunday February 25, 2018 to commence at the Town Hall at noon.

- Motion was made by Vice-Ch. Dermody
- Seconded by Mr. Schneider
- No further discussion
- Roll was called

VOTE: Marzullo – Abstained, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman – Yes

Ch. Spellman stated that during the site plan the following should be considered:

- Location of trees, natural landscapes
- Understanding of where things are going, placement of lots and streets - overlay
- Clubhouse
- Common areas
- Landscaping
- Wetlands by lot 49
- 10 acres in the back abutting Mr. Sumodi's property
- Visualize how things are going to be laid out
- Special features behind lots 85, 87 and 88

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- Be sure and wear your boots

Ch. Spellman asked if Mr. Smerigan had anything else to add:

- Waiver for project setback
- Something that should be granted
- Part of the formal acceptance

Ch. Spellman returned to the Agenda and said there was no new business; asked for Board Member reports.

Vice-Chairman Dermody said she had nothing to report.

Mr. Schneider would like additional information concerning the pressure sewage system and wondered how loud the grinders would be when they all come on at the same time. Mr. Crane said Medina County directed them on where to place the sewers.

Board Members Powell, Schneider and Marzullo passed.

Ch. Spellman said that he had an updated contact sheet to pass out

Trustee Burns, Zoning Inspector Wilson and Mr. Smerigan had nothing else to report.

Ch. Spellman said that everyone has spoken their minds. They have revisions to make. If nothing crazy happens at the site at the next meeting they will review the revisions and take a vote.

Ch. Spellman asked that they receive the Management Plan for restricted open space before the March meeting.

Ch. Spellman returned to the agenda and asked for any comments from the floor realizing that time was running out. Mr. Bialosky from the Arborcrest HOA asked that he had nothing as long as their questions would be answered when the opportunity arose.

Ch. Spellman said that the next Zoning Commission Regular Meeting will be Thursday March 1, 2018 at 7:00 p.m.

Ch. Spellman stated that he would entertain a Motion to adjourn the Zoning Commission Regular Meeting.

- Motion was made by Mr. Marzullo
- Seconded by Mr. Powell
- No further discussion
- Roll was called

VOTE: Marzullo – Yes, Schneider – Yes, Powell – Yes, Dermody – Yes, Spellman - Yes

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The Zoning Commission meeting was adjourned at 9:52 p.m.

Carolyn Chism, Recording Secretary

Minutes Approved: _____, 2018

William Spellman, Chairman

Diane Dermody, Vice-Chairman

Calvin Powell, Member

Bruce Schneider, Member

Matt Marzullo, Member