

Ch. Fischer called the April 7, 2022 Zoning Commission Regular meeting to order at 7:45 p.m.

Ch. Fischer stated that this meeting is being recorded for transcription purposes only and the written minutes and attachments, if any, will serve as the official record of this meeting.

Ch. Fischer stated that on behalf of the virtual audience, we ask that the public joining in person approach the podium in the event they would like to speak, they will need to announce their name and address prior to speaking, additionally we ask that the audience save personal conversation for after the meeting as additional voices cause confusion for those attending virtually.

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

Audience: Trustee Augustine and Trustee Ascherl attended in person, Trustee Swedyk attended virtually, Zoning Inspector Wilson and alternate Engleman attended in person.

Ch. Fischer stated that the preliminary site plan for Serenity Court is being tabled until the May Zoning Commission meeting at the applicant's request.

Ch. Fischer asked if everyone had received and reviewed the minutes from the Zoning Commission Regular Meeting on March 4, 2022 and if there were any comments or corrections. There were no requested amendments.

Ch. Fischer stated he would entertain a motion to approve the March 4, 2022 Zoning Commission Regular Meeting minutes.

- Ms. Crew moved and Mr. Marzullo second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer stated if there were no objections by the Board he would like to begin with New Business for the final site plan review for the Village of Hinckley Oaks which was also known as the Senior Housing Project.

Ch. Fischer asked if there was a representative from Pride One who would like to speak.

Ben Weirnerman – Pride One Construction – 2211 Medina Road, Medina, Ohio

Mr. Weirnerman stated that the plan in front of the Board compiles all of the feedback they received over the past year or so. They have included all of the plantings, fencing and other buffering and screening that have been discussed in previous meetings. They have complied with all of the 17 conditions assigned with their approval and they are here to answer any questions.

Ms. Crew stated she didn't see mounding on the landscaping map and asked if it is designated. Mr. Weinerman stated that the mounding discussed in a previous meeting was for the south property line abutting the industrial and they don't show mounding on that property line. Mr. Weinerman stated the reason for that is through the engineering process it was brought to their attention that the property to the south of them is draining north onto their property and through Medina County Engineering review and Davey Civil Engineering Design it has been determined that they need to capture that water in their storm water system. They have catch basins behind the buildings on the south property line that captures that water running north from the industrial park onto their property into the catch basins which gets routed to the detention basin that you see on W. 130th, which will then treat the storm water and release it at an engineered rate.

Ch. Fischer stated that they had already talked about oversizing the pond to try to control the waterflow – is that oversized further or was the oversizing that was already done sufficient to capture the additional water coming from the south property.

Mr. Weinerman stated it has been designed to capture that water running from the south property. Mr. Weinerman stated their concern was by putting in mounding on their south property line that they would be damming that water up and creating a more drastic drainage issue for the neighbor to the south. They have been conscious of that and they have included many plantings, more than what was initially approved on the 6/10/21 landscape plan, as well as the 6 foot shadowbox privacy fencing on that south property line.

Ch. Fischer asked if he could explain shadowbox. Mr. Weinerman stated it is the typical privacy fence where the boards are running horizontal, this will be a decorative vinyl, but it would not be opaque in any way.

Ch. Fischer read through one of the conditions of the Board of Zoning Appeals – item 4 – *along with sufficient mounding, a minimum of a 6 foot fence shall be installed along the south side of the property, which is the property line abutting the industrial parkway.* Ch. Fischer stated he understands the rationale for no mounding, but can they increase the size of the fence because the Board of Zoning Appeals had intended them to have a mound and then a fence, which would increase the height primarily because the property to the south is an Industrial District which means noise and light pollution and they want to minimize how much their residents are experiencing potential noise and light pollution.

Mr. Weinerman stated he appreciates the concern for their future residents, but it should be noted that when their residents come to visit the community, they will very clearly in broad daylight see the industrial park to the south and they would be making the conscious decision to living adjacent to it. Ch. Fischer stated they would be seeing one current use of that property, but there are many other industrial uses of that property and that could change at any time, so it's not just the current use, it's future uses they have to be concerned about.

Mr. Weinerman stated if an 8 foot fence would appease the Board they can do that, their goal is not to make the property look as though it is a penitentiary, they want it to look inviting and he thinks the higher the fences the more it looks like they are trying to keep people out or just not as inviting.

Ch. Fischer stated that he imagines the fence, whatever the size, is going to be on the south side of the trees so they will have the fence immediately adjacent to the property line and then they will have the trees inside of that to hopefully break up the fence from the perspective of the homeowners within the development, and Mr. Weinerman confirmed.

Ch. Fischer stated he would like to move discussion from the south to the west and then continue around the property. Ch. Fischer asked if there are any other comments on the south side abutting the industrial district.

Mr. Spellman asked now that there is no mounding, it no longer complies with the condition that was there, do they have to go back and get a revision.

Ch. Fischer stated the word sufficient used in the condition creates a gray area, and they might be able to work with that outside of going back to the Board of Zoning Appeals – Ch. Fischer asked Zoning Inspector Wilson his thoughts on this.

Zoning Inspector Wilson stated that he doesn't think they have to return to the Board of Zoning Appeals if the Zoning Commission is satisfied with the final site plan.

Mr. Marzullo asked what the anticipated final height of that fence would be if there were mounding. Mr. Marzullo stated if you look at the mounding that was done at the Trails of Redwood, they are big mounds. Ch. Fischer stated the Board of Zoning Appeals didn't specify, and Mr. Marzullo stated that if they are looking for sufficient mounding and a fence and they are both required he thinks that is what they need to figure out – is an additional 2 feet of fence providing that barrier that was originally envisioned.

Ch. Fischer stated that he understands that balance and he also understands why they might not be able to do that because they cannot have earth where water needs to penetrate. The last thing they want to do is create another water issue, so the rationale for excluding the mounding is reasonable, if that's an accurate statement. Ch. Fischer stated they can work through the conditions at the very end, he would just like to do a sweeping overview of the different issues they might have and then they can work on whether they want to approve, approve with conditions, or reject this plan.

Mr. Marzullo asked if there are any waterflow studies that actually show where the water is going. Mr. Weinerman showed the Board the drainage study that was submitted to Medina County Engineering. Mr. Weinerman stated that it was their responsibility to manage according to Medina County. Mr. Weinerman described the markings and the drainage patterns on the drainage study.

Ch. Fischer stated, based on what they are shown they might be able to do some mounding on the southwest side potentially, but that would mean a partial mound. Mr. Weinerman stated the

topography shows behind the buildings is a drainage swale with storm water basins, approximately 4 catch basins capturing the water, and they have to maintain drainage behind their buildings for flooding reasons, so while there might be a 30 or 25 foot buffer from the property line to their building, a good portion of that needs to be a swale, so any mounding on the property line would be very minimal.

Ch. Fischer asked if there were any other comments regarding this and there were none. Ch. Fischer stated on the W. 130th side he can see the right-of-way and he asked if there is a split rail fence on that side and does it continue along the whole side. Ch. Fischer stated he couldn't determine the fencing elevation.

Mr. Weinerman stated that with the way the pond lays out, their intention was to only do that on the south side of their entry drive on W. 130th. Mr. Weinerman stated a few sections going south – maybe 18-24 feet – then it would be L-shaped at the entry with faux gates. Ch. Fischer stated that is approximately by his measurements about 510 feet, so they would do about 120 foot on the south side of the entrance and then the rest would be arbor-vitae, and Mr. Weinerman confirmed. Ch. Fischer noted that the parking lot appears to have changed, prior to this submission, he thought there was parking on the north side of the club house and they have moved that parking to the east side of the existing parking, and Mr. Weinerman confirmed. Ch. Fischer asked for clarification on 2 boxes shown on the plan, and Mr. Weinerman stated they are both club houses and there is an open courtyard in the center, more than likely it will be a hardscapement of some sort, pavers or something to that effect. Mr. Weinerman stated there will be leasing in one building, possibly a meeting area and other amenities in the other building like a fitness facility, a golf simulator, things of that nature. Mr. Weinerman stated it should be noted that the plan the Board of Zoning Appeals approved did not show a pool. Ch. Fischer asked if there will be a pool and Mr. Weinerman stated there is no pool. Mr. Weinerman stated to the south of the club house buildings they have outdoor recreation like pickleball, and Ch. Fischer asked for clarification on that location.

Ch. Fischer stated the signage on that entrance looks to be on the right of way – Ch. Fischer asked Zoning Inspector Wilson to confirm if it has to be 10 foot back from the right of way or a variance has to be obtained, and Zoning Inspector Wilson confirmed. Ch. Fischer stated he wants to be sure that it is noted that they will either have to get a variance or they will have to push that signage back 10 feet away from the right of way. Mr. Weinerman stated he doesn't have the scale with him but it's not on the right of way.

Ch. Fischer stated the only comments he has is there are no trees between the south club house and the road, they might want to look into putting some trees in there to break that up so they are not seeing the side of the building that way. Ch. Fischer stated the other item – which will tie in elsewhere too – page 68 of the Resolution states that 5 shade or ornamental trees for every 100 linear feet of lot frontage or fraction thereof – Ch. Fischer explained this is landscaping along the street frontage per what is on page 67 of the Zoning Resolution – Ch. Fischer read through the sections on these pages relating to this. Ch. Fischer stated when he looks at the property abutting W. 130th Street, he counts 14 arbor-vitae across about a 400 foot span, and he is not sure an arbor vitae would be considered a shade tree, and it's not 6 feet at the time of planting. Ch. Fischer asked Mr. Weinerman to explain how they felt the west boundary, where they put those, is sufficient to meet 6B8a of the Zoning Resolution.

Mr. Weinerman stated he doesn't see anything that states the trees have to be necessarily planted along the frontage. Mr. Weinerman stated he thinks they provided plenty of plantings throughout the community, and their goal is not to hide their beautiful community, it is to enhance it.

Ch. Fischer stated that it says landscaping along the street frontage and then it says all areas within the required building and parking setback shall be landscaped, and that is talking about the street frontage. Mr. Weinerman asked if they would like to see 20 more trees along the frontage, and Ch. Fischer stated he thinks they need to see more of a combination of trees and shrubs, they need to have some sort of additional landscaping to break up the sight of the complex from the street. Ch. Fischer stated to remember this is a business district, so these are the regulations of a business district because we don't want to see a lot of what is happening in a business district from the roads, so while this might look more residential, it's not residential, it's a business. Mr. Weinerman stated ok we can comply with that.

Ch. Fischer stated the other thing to consider, particularly since this is a senior housing development, they don't know what will happen to the parcel that is located to the northwest of the property, it currently went through Board of Zoning Appeals as a Drug Mart but we don't know for sure that it will be that – Ch. Fischer stated he wonders if it would make sense to have a sidewalk from the W. 130th entrance and then also from the 303 entrance heading into that direction – he realizes it will terminate into nothing currently, but for planning purposes it might make sense to put a sidewalk there because he doesn't want to see residents walking onto the road, particularly if they are handicapped, to get to whatever might be on that parcel. Mr. Weinerman stated he doesn't think that is an issue. It was asked how wide the sidewalk would need to be and Ch. Fischer stated he imagines 4 foot, probably enough for a wheelchair.

Ch. Fischer stated the area behind units one and three he doesn't see any issues, he thinks it's nicely landscaped. Ch. Fischer stated that looking toward the Center Road entrance, the west side, which abuts a B-1 district, he doesn't see any issues with that strip, and no one else had any issues or concerns. Ch. Fischer stated the only suggestion he would have is to consider a sidewalk from that street westwardly toward the business district so there is walking accessibility because they don't want pedestrians in the road, and Mr. Weinerman stated he understood.

Ch. Fischer asked if anyone had any concerns with the front entrance. Mr. Marzullo asked if there would be the same concerns as on the western side, and he also wonders if there is a potential safety issue there if there are going to be 20 foot tall trees right by the entrance. Ch. Fischer stated the other thing to consider there is they do have more trees there. Ch. Fischer asked if they are intending to put the split rail fence along that entranceway and Mr. Weinerman stated yes. Ch. Fischer stated he thinks this will look good and maintain the rural character. Ch. Fischer asked if this is a vinyl split rail, and Mr. Weinerman stated they would do treated lumber stained. Ch. Fischer stated they should keep the required signage right of way in mind.

Ms. Crew asked how wide is the front with the 4 arbor-vitae, and Ch. Fischer stated he measured 200 feet and they do have the other trees slightly tucked back. Ch. Fischer stated there's not much they can

do with this entrance because of the retaining pond – there is a retention basin on the left, there are trees surrounding that. Further discussion regarding what trees could be placed there.

Ch. Fischer asked if they want to create a list of potential conditions at the end and see if they can reach an agreement – it was agreed to do that.

Ch. Fischer referred to the east side – the Center Road entrance coming south that is adjacent to another B-1 property, and he asked if anyone had any concerns with that portion of the property. Mr. Spellman asked if there is any mounding along the east side and the northeast side. Mr. Weinerman stated there is a little bit of mounding just south of that area – the topography is shown on the drainage pattern plan. Mr. Weinerman stated they have done their best to comply with the Board of Zoning Appeals and Zoning Commission in earlier meetings. Mr. Weinerman stated they are also working around engineering constraints. Mr. Spellman asked for the height, and Mr. Weinerman stated it is only a few feet and in a small area. In order to build a mound that is mowable, either a 3 to 1 or 4 to 1 slope, they can only go so tall in that small span. Ch. Fischer asked if the trees would be on the mounding there and Mr. Weinerman confirmed. Mr. Weinerman stated the mounding will start where the property line breaks and goes east. Mr. Weinerman explained on the drawing where the mounds would be.

Ch. Fischer stated if they look at the portion of the parcel running east to west, there is about 460 feet of space in that direction – approximately 50-60 feet of that is adjoining a business lot, the rest of that is adjoining residential lots. Ch. Fischer counted 20 trees and then read through and discussed the requirements of page 69 – 6B8c – Screening of Residential uses.

Ch. Fischer stated across that entire section, they are only seeing 20 trees and that is 410 feet of residential property that they are abutting. – So they are planting 20 trees on 410 feet, that is not achieving a screening of a height of 6 foot. They would have to have numerous rows clustered together to create the solid screen that is required. Mr. Wienerman stated the concern would be that clustering them close together, they all die and then there is no screening. Ch. Fischer asked why they can't do mounding or fencing to help achieve this. Mr. Weinerman stated this is the exact same tree count that was approved through the Board of Zoning Appeals, and Ch. Fischer stated that the Board of Zoning Appeals does not review the final site plan, the Board of Zoning Appeals stated in condition 3 that this has to be approved by the Zoning Commission because they are the body responsible for reviewing and approving landscape designs. Mr. Weinerman stated they could add as many trees as they want. Ch. Fischer stated his preferred option is a mound there because they are trying to make sure that any waterflows are captured and pulled back into the pond, and a mound plus trees will create a much more natural setting and a much higher elevation of blockage than just the trees – the other option is a fence, but that is not natural. Ch. Fischer stated that he would like to hear from residents on the adjoining properties. Ch. Fischer stated that as a business abutting a residential, he doesn't see them coming close to meeting the section of the code.

Mr. Marzullo stated that specifically it says the screening buffer is at least 25 feet in width, so even with a fence there still needs to be something in front of or behind it. Ch. Fischer stated that this goes back to the idea that they want this to blend in creating harmony with adjacent properties.

Mr. Weinerman stated he would prefer to see fencing along the property line for the sake of their residents, so if they are okay with it, he would like to put in a 6 foot privacy fence in combination with some trees. Ch. Fischer stated those trees would have to be on both sides of the fence because they are worried about the harmony with the residential – they are not supposed to be looking at just a fence. Mr. Weinerman stated they can do that.

Mr. Spellman stated he would like to see something more natural. Mr. Weinerman stated the code states a fence is suitable so he thinks that would be suitable. Ch. Fischer asked what his aversion is to mounding there. Mr. Weinerman stated his aversion is creating more water issues for the neighbors, which they have voiced that they have, and the other issue is their duty as it has been engineered is to capture all rainwater on their property – if they put a mound there then there is a portion of it that's not running onto their property and they can't capture the water and he thinks that is an issue from a stormwater management perspective. Ch. Fischer asked if he is saying they are going to capture all the water in that 25 foot space – right now that is likely graded toward the residential as it probably should be – so they are not capturing within that 25 foot space because that will naturally be graded toward the residential district, so if you put a mound there they are not changing how much water is going toward the residential, in any way. Mr. Weinerman stated the 25 foot would be graded to drain into the pond, and Ch. Fischer questioned that. Mr. Weinerman stated it is also a tight area when looking at mowable slopes it – it would be about a 3 foot mound within that 25 feet.

Mr. Manley stated there is a lot of property that drains onto Center Road and many of those homes along Center Road going east do have issues with really heavy rains and high water. Ch. Fischer stated that is why he is asking if this portion is going to be captured by the pond. Discussion followed regarding the flow path. Ms. Crew stated she thinks they are trying to prevent the water from going into the neighbors, and that's why they want to capture it and Mr. Weinerman confirmed.

Mr. Spellman stated he has an affinity toward the nature side and the Code does speak to putting a fence there and he thinks the purpose of the Board is to put something together to make this compliant. Mr. Marzullo stated that putting in a fence is totally fine, but that is only one of the things they need to do they can't just put in a fence. Ms. Crew asked what if they mounded a little and then staggered the pines – 2 rows basically that are staggered. Ch. Fischer stated they would need a lot of trees to obtain the screening needed. Discussion followed.

Ch. Fischer stated they will revisit this when they go through their review and hear public comments. Ch. Fischer stated if there are no other comments regarding this he would like to discuss the east edge going north and south – Ch. Fischer stated the only thing he saw is the trash storage – Mr. Weinerman stated everyone will have their own trash cans at their residence.

Trustee Augustine stated that their trash company is for the residents, so as a business they would have to contract with their own provider.

Ch. Fischer stated he doesn't see any other issues with this section and there were no concerns from the Board.

Ch. Fischer stated he would like to give the public an opportunity to comment on this.

Larry Bindofer – 2666 Center Road

Mr. Bindofer stated he has been a Hinckley resident for 25 years and he is on Lot 6, immediately to the east of lot 7, which is the B-1 property which is owned by Dave Terry and not included in the plans. Mr. Bindofer referenced pictures he has given to the Board. Mr. Bindofer asked if the screening is going to give him some of the privacy that he has had, including dense trees around the east, south and west sides of his property. Ch. Fischer asked if Mr. Bindofer wants to reference a particular picture and he can display it. Mr. Bindofer stated the setback was supposed to be 100 feet – Mr. Bindofer discussed the retention pond at the south end of his property which is within 25 feet.

Ch. Fischer explained to Mr. Bindofer that the 100 foot setback applied when Dave Terry's lot was part of the proposed plan – so there was a business lot immediately adjacent to his residential lot – they have separated that so now there is a vacant business lot adjacent to his parcel, so the 100 foot setback doesn't apply.

Mr. Bindofer showed pictures of what the property looks like now and the current buffering, and Mr. Bindofer talked about discussions he had about mounding. Mr. Bindofer further discussed culverts to the east and west of his property and what happens during rains. Mr. Bindofer explained the point is he only gets a couple inches in his culvert and he gets no water in his front yard where his leech bed is and Mr. Weinerman stated the retention pond was going to go west to W. 130th and it should to remove any possibility of water coming on his property. Mr. Bindofer further explained how the water slopes on his lot. Mr. Bindofer asked if there is a lot of water, who is responsible for fixing his driveway and cleaning out his front yard and possibly getting a new leech bed. Mr. Bindofer also discussed how his neighbor gets a lot of water and it gets very deep. Mr. Bindofer also stated the issue is about his privacy – he needs to have his privacy and that's why he moved to this house in Hinckley. Mr. Bindofer discussed how the change took place from R-1 to B-1 and that he didn't change, he just wanted a peaceful place to live. Mr. Bindofer stated he has taken this matter very seriously.

Ch. Fischer explained to Mr. Bindofer that this is a final site plan, and they are looking at a lot of these landscaping designs at this point, and they have talked about the water issues before, they have done the water study so what they would like to hear from him is particularly about the area where his property abuts the business district and what he would like to see there. Mr. Bindofer stated what he wants is in the Resolution on page 69 where it states it should be an opaque structure and without the mound, he wants the wooden fence opaque and he would like it to be 8 feet – he doesn't want to be able to look over and see them as well as they cannot see him. Also, Mr. Bindofer stated the fence won't be enough he would like some pine trees. Ch. Fischer stated that the trees that are adjacent to the property line are 6 feet tall spruce trees. Ms. Crew and Ch. Fischer pointed out to Mr. Bindofer what the trees are and where they would be placed. Mr. Bindofer also asked for 8 feet tall pine trees and he would like it to be in harmony with the existing character. Mr. Bindofer also stated that he has concerns about the noise and the lights. Mr. Bindofer stated he wants the wooden fence 8 feet tall completely opaque and to have 8 foot tall pine trees on both sides of the fence for privacy. Mr. Bindofer then

discussed what trees do for our health and also discussed his concerns with traffic at 71 once the senior housing is completed. Mr. Bindofer finished by saying he would like for the Board to get as much privacy for him as they can, and he appreciates them letting him talk.

Ch. Fischer stated that at this point they will go through the checklist of items for a final site plan and then do a motion and they will then determine conditions or if they are going to reject or approve, but first Ch. Fischer asked for a brief recess.

Ch. Fischer stated he would entertain a motion to extend the meeting for 30 minutes.

- Mr. Spellman moved and Ms. Crew second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer read through and reviewed with the Board the final site plan submission requirements and determined all had been satisfied except for the following:

1. Ch. Fischer stated they will be discussing the requirement for proposed existing fences, wall, signs, and lightings.

2. Ch. Fischer stated there was no issue with the requirement for sanitary sewers, waters and other utilities, but Ch. Fischer asked if there will be fire hydrants, and Mr. Weinerman confirmed they will have fire hydrants. Ch. Fischer asked if they were on any plans that had been submitted, and Mr. Weinerman showed the Board where they were on the plans.

3. Ch. Fischer asked if a road culvert permit was required by the Medina County Highway Engineering Department for this project, and Mr. Weinerman stated no.

4. Ch. Fischer asked about the lighting within the subdivision. Mr. Weinerman stated the units will have coach lights on either side of the garage – they do not intend to put in streetlights in order to be conscious of light pollution. Mr. Weinerman stated the coach lights do a nice job of illuminating the streets so people feel comfortable walking in the evening but not so much to where it's obtrusive. Ch. Fischer asked how bright they are, and Mr. Weinerman said he doesn't know but he believes they are like a 60 watt bulb.

5. Ch. Fischer stated he has some concerns that the maintenance building on the rear side isn't necessarily screened from adjacent properties, and he asked if there is something that can be done, for example placing arbor-vitae there.

Ch. Fischer asked if anyone else had any comments.

Trustee Augustine stated she was told they have a Township wide sidewalk policy, and she could get a copy for them.

Ch. Fischer stated the staff report from the Medina County Planning Commission recommended to approve with modifications. Ch. Fischer stated the modifications were relatively minor. Ch. Fischer stated there is no Sanitary Engineer sign off required; for sites reserved for public use or common use of property owners, for parks, playgrounds, or other uses, a description of any proposed covenants, conditions and restrictions must be submitted with the Preliminary Plan, including: 1) agreements and provisions for any community association, owners association or homeowners association with a provision for association membership and responsibility - Mr. Weinerman stated they do not have a homeowners association, Mr. Weinerman stated it is all under one ownership, 2) all related watershed boundaries indicating in which watershed the subdivision is located and all known underground drainage, tile systems must be presented and inserted into the map for their approval, and 3) a copy of the developers notice of intent must be obtained by the Ohio EPA Stormwater Management if permit is applicable -- Mr. Weinerman stated that has been provided.

Ch. Fischer stated Medina County Planning Commission stated there were a few things that were not submitted on the final plat and read through the following:

1. An original mylar of the final plat.
2. The signature and seal of the registered surveyor.
3. Notarized certification by the owner or owners of the subdivision and the off-road dedication of streets and other public areas and that there are no unpaid taxes or assessments.
4. Certification from the Township that the final site plan, as submitted, is in compliance with the local zoning standards and requirements.
5. Certification of County Engineer that all required improvements have been satisfactorily installed or financial guarantees have been provided to cover the construction.
6. Acceptance of offers of dedication by County Commissioners when all improvements have been constructed or financial guarantees and construction agreements have been approved.
7. Proposed final site plan fulfills the purpose and intent and meets the standard requirements of the subdivision regulations – Ch. Fischer stated he believes they are referring to the subdivision regulations of the County, but the Township does have some subdivision regulations.

Ch. Fischer read further from the Medina County Planning Commission that the final plat is in substantial conformity with the preliminary plan and approval conditions with the exception of the items listed above, the proposed subdivision appears to be in conformity with the Hinckley Township Zoning Commission, and receipt of the Highway Engineers approval is needed.

Ch. Fischer stated he would like to discuss the specific conditions the Board would like to see put on the property. Ch. Fischer stated they discussed that there will probably have to be more trees along the western boundary in order to comply with Section 6.B (page 68 of the Resolution).

Mr. Weinerman stated that he would like the Board to consider – they have roughly 33 trees screening those buildings from the street – whether the trees sit in the building setback or not, some do and some don't, but for the purposes of screening the trees to the west of building 6, the trees to the west of building 2, building 1 and building 7 do exactly what they are intended to do which is screen those

buildings from the street. Mr. Weinerman asked if they would like to see those trees moved into the building setback that is an option, but their thought is the placement they show is the most aesthetic for residents to enjoy the trees next to their units versus sitting by the street.

Mr. Spellman asked if there is anything saying they can't do both. Mr. Weinerman stated no. Ch. Fischer referred to particular clusters of trees and stated he doesn't believe they have any foliage in the fall and winter – so there will be no blockage of those units during winter months. Discussion followed regarding a description of the trees shown.

Mr. Wienerman stated he believes they are speaking to two different code sections, this section does not speak to having the same coverage or screening. Ch. Fischer stated he agrees, their position was let's look at the totality of the trees and consider if that is enough to provide screening even though they are not on the roadway. Ch. Fischer stated that even if they look at the totality, he worries that some of the trees they suggested won't provide any level of the screening to meet this section, so it is a possibility to look at that, especially considering there is a culvert, but the trees listed don't provide the screening.

Mr. Marzullo stated that it's really not our place as a Zoning Commission to grant variances – it either meets the Zoning Code or it doesn't, and right now it does not meet the Zoning Code. Mr. Marzullo stated they have been told what to do to meet the Zoning Code and if they want to do something different they have to go to the Board of Zoning Appeals – they are the Board that can grant variances.

Mr. Spellman stated he doesn't disagree with that but he is looking at condition #3, which introduces a bit of a gray area into that comment – it's a condition that has already been granted – sufficient mounding, screening, and buffering shall be installed as determined by us. Mr. Marzullo stated that his understanding of that is it is specifically for the mounding with regard to the residential properties. Ch. Fischer stated #3 doesn't specify, but #4 specifies the industrial parkway - #3 just says sufficient screening, mounding, or buffering shall be installed as determined and approved by the Zoning Commission as part of the final site plan.

Mr. Spellman stated he agrees with Mr. Marzullo that there is a Zoning Code written with very specific requirements and they have a landscaping plan that doesn't quite meet it. Ch. Fischer asked if they thought they are to the point where they cannot approve this with conditions because the conditions would essentially be compliance, so they should reject the plan and require a resubmittal at the next meeting or do they think they can work through conditions. Mr. Manley stated he can accept the logic for the mounding on the south end, but he thinks they need to go back and make some changes with additional trees per the code. Mr. Marzullo stated that once they approve the final site plan and provide conditions, who follows up to make sure they are enforced. Discussion followed regarding the number of conditions and if they should ask the applicant to resubmit.

Mr. Manley stated the Code was written for a specific purpose and the choice for them is either to redo the plan and come back next month or approach the Board of Zoning Appeals for another hearing. Mr. Weinerman stated that with all due respect he doesn't disagree with them, he thinks they are talking about 2 property lines in particular – the property line that abuts the residential lots and the property

line on W. 130th – Ch. Fischer stated potentially the one on Center Road. Mr. Weinerman stated he would greatly appreciate if they could walk through those conditions so he is clear what they are looking for and maybe they can come to a resolution and vote tonight.

Mr. Weinerman stated he has already indicated that he would comply and any clear direction from the Board would be helpful so they could vote tonight. Ms. Crew stated if he is looking for compliance they would reiterate what is in Section 6Ba. Ms. Crew stated she believes he is looking for guidance. Mr. Spellman and Ms. Crew stated they do not like the fencing, but they have a resident who wants a fence.

Ch. Fischer stated they can identify everything. They talked about a potential 8 foot fence along the southern border as opposed to a 6 foot fence, and Mr. Spellman asked for trees with the fence. Ch. Fischer stated the trees are already there and that should be sufficient. Ch. Fischer stated along the western side, at the W. 130th entrance they need to see compliance with Section 6.B.8.a, which specifies the number of trees, along that roadway. Mr. Weinerman asked if that is 5 trees for every 100 feet less the drive aprons. Ch. Fischer stated that is correct. Mr. Marzullo stated every 100 feet or fraction thereof so if it is 101 feet that is another 5 trees. Ch. Fischer stated they have to be 6 foot tall and 2 inches in diameter and they also have to have 20 shrubs for every 100 feet or fraction thereof – that is item 2. Ch. Fischer stated items 1 and 2 are what they currently don't meet.

Ch. Fischer stated they talked about the sidewalk and Trustee Augustine will provide the requirements for that – looking at the sidewalk from the entrance to the B-1 lot.

Mr. Spellman stated that looking at the northeast section he would like to see the mound removed from the plat – if they are not going to put that in, don't include it. Discussion followed regarding the mound Mr. Spellman is referring to.

Ch. Fischer stated along the Center Road entrance – the sidewalk along the property to the B-1 lot and also they have to comply with 6.B.8 regarding trees and shrubs. Ch. Fischer stated that the maintenance shed has to be shielded from adjoining lots so they have to do something on the rear side of that maintenance shed. Mr. Weinerman asked if they could be more specific so he can be in compliance and Ch. Fischer stated they should put some sort of trees to conceal it from adjoining properties – that is what the Code requires. Mr. Spellman asked if they are referring to the maintenance shed in the southeast, and Ch. Fischer confirmed, there are trees on the left and right, but not behind.

Ch. Fischer stated the final section, which is probably most critical, is the business to residential border which requires compliance with Section 6.B.8.c -- this requires basically shielding at 6 feet and it is the Board's preference that there is fence plus trees or a mound plus trees. Mr. Spellman asked Mr. Weinerman if he said he cannot do a mound there and Mr. Weinerman stated he would prefer not to, he thinks it will invite issues for the neighbors and Mr. Spellman asked if he is referring to waterflow specifically, and Mr. Weinerman confirmed. Ch. Fischer stated that Mr. Bindofer requested a wood fence and he understands why they would want to do vinyl – Mr. Weinerman stated they prefer to do vinyl on the privacy fence. Ch. Fischer stated it requires 6 feet, but would they be willing to do 8 feet since they are doing that on the other side. Mr. Weinerman stated he would prefer 6 feet because it is a special height and it is a special order and there are vinyl shortages. Ch. Fischer asked if there were any

objections to 6 foot plus trees along there. Mr. Spellman asked if that would be at the same density as listed on the plan, and Ch. Fischer stated he would like to see an increase in density because that is a vinyl fence they are shielding and also they have to have trees on both sides of the fence – and at a minimum it should be on the residential side of the fence and for their own residents purposes they would want them on the other side – Mr. Weinerman stated sure – Ch. Fischer stated certainly on the north side of the fence.

Mr. Weinerman asked if they can agree to put the number of trees you see here on the residents side of the fence and they will more than likely put trees on their side, he doesn't want to give a specific number. Mr. Spellman asked for an approximate number and Mr. Weinerman stated he doesn't want to do that – he stated there are 18 trees there. Mr. Marzullo stated putting in the fence meets the requirement. Ch. Fischer stated except for the requirement for harmony, so there is some requirement they can make for vegetation – basically what is being proposed is 20 trees, 20 feet apart – those are spruce trees so they will grow probably 18 inches per year. Mr. Spellman stated he doesn't doubt they will put trees on their side as well.

Ch. Fischer asked if there was anything else and there was nothing. The Board discussed if they would table the discussion.

Ch. Fischer stated the Board would table this matter and move it to the next Zoning Commission meeting. Mr. Weinerman thanked the Board.

Mr. Bindofer asked to clarify one thing – he wanted to know if the fence will be 8 feet and Ch. Fischer stated it will be 6 feet, they can only ask for a 6 foot. There is a Board of Zoning Appeals condition that was written for that south section, which is why the Zoning Commission can ask for a taller fence on that side. Mr. Bindofer discussed his privacy concerns with a 6 foot fence. Mr. Bindofer also discussed wetlands, and Ch. Fischer stated they are not the subject matter experts on that, the EPA is the subject matter experts and they are the ones who make those determinations. Ch. Fischer stated that Zoning Inspector Wilson has also discussed this with the EPA.

Further discussion took place regarding the mound located by Mr. Bindofer's property, and Ms. Crew asked Mr. Weinerman if they could keep that mound and put the trees and fence on top of it. Mr. Weinerman stated he will go back and speak with the engineers and he can address that when he comes back. Ch. Fischer asked if he would inquire about doing even a 2 foot mound so they could get the height to about 8 feet with mound and fence.

Ch. Fischer stated he would entertain a motion to extend the meeting for 15 minutes.

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

Ch. Fischer stated there is a small parcel of land that's behind the school that is zoned residential, it is 100 feet in depth – it is between the school parcel and the parcel that is currently zoned business. Ch. Fischer proposes that they make a motion to amend that to the B-2 district. What that would mean is that if the motion was approved it would be forwarded to the Medina County Planning Commission so they could consider that parcel at the same time as they are considering the zoning part of the school parcel. -- Mr. Marzullo asked who the owner is, and Ch. Fischer stated Joe Premura. Mr. Marzullo asked if he has talked to him, and Ch. Fischer stated he has and he is okay with it. Mr. Spellman asked what the cut off is for the Planning Commission agenda – Ch. Fischer stated the cut off has already occurred but they will treat this as an amendment to an existing, complete application so they will still be able to squeeze this in on the main meeting.

Ch. Fischer stated the primary reason for this is when it comes back to them, they can make a recommendation on both the school and the parcel. Ch. Fischer described the lots using the map on the screen. Mr. Spellman asked if one parcel is split back there and Ch. Fischer stated that is correct. Ch. Fischer stated his understanding is back in the day they would just draw vertical lines and that is where the business would be, so they weren't concerned where the parcel line was or where sublots were. Ch. Fischer stated there is one big parcel with one parcel number, but there was a Hinckley plat subdivision with subplots, and this area and part of the school was one subplot. Ch. Fischer stated they met with the County Engineer to explain the maps, and Ch. Fischer stated he also spoke to Tax Maps about this. Ch. Fischer explained what he wanted to do regarding the motion and then stated when it gets to the Zoning Commission they can then make a recommendation to either recommend approval of all of it, denial of all of it, or a portion of it. The reason he wants to do this is because when it gets to the Trustees and they make a final decision on the school plot, he doesn't want them to approve of a B-2 on the school, resulting in a B-2 south of the school and a tiny residential between the B-2 south of the school and the school property that they would have to go back and fix it – he would prefer this is done all at once. They can make their own approval and denial of each of the parcels individually. Ch. Fischer stated he is doing this so they don't have to go back and fix something.

Mr. Spellman asked if they are not recommending one way or the other, are they just saying there is a situation and since they are already looking at something related could they look at this also so it can be done collectively. Ch. Fischer confirmed – he said they will ultimately make a recommendation, but the motion tonight is not a recommendation, it is a motion to amend for purposes of starting the process so it is reviewed at the same time as the school.

Mr. Marzullo stated his concern is that this signals tacit approval to the Medina County Planning Commission, and it's been made very clear that they can't oppose them. Mr. Spellman asked for clarification on that. Mr. Marzullo stated he believes this gives the impression to the Medina County Planning Commission that the Zoning Commission actually wants to extend what they are already trying to extend so we are just going to go ahead and say yes. Mr. Marzullo stated that it has been very clear, at the Township level they can't oppose the Medina County Planning Commission, and Mr. Spellman stated that is not true – the Medina County Planning Commission has always been an advisory board. Ch. Fischer stated that last year they opposed and the Zoning Commission took actions inconsistent with the recommendation. Mr. Marzullo stated that the Board's recommendation was steamrolled, and Ch. Fischer stated it was reduced. Mr. Marzullo stated one piece was reduced and other pieces were

removed, and Ch. Fischer stated, correct. – Mr. Marzullo stated this allowed a lot of the problems they are dealing with tonight to continue to go forward. Mr. Manley stated if this is an issue can they just add a footnote with the reasoning. Mr. Marzullo stated simultaneously they try to deal with things proactively in the last few months, and there is a lot of opposition saying we don't need to be leaning into problems, just deal with them as they come up.

Ch. Fischer stated he is trying to avoid them having another public hearing in June and another Planning Commission meeting. Ms. Crew stated they don't know where this is going to go and if they are initiating it, it makes it look like they wanted something done to it so she would prefer that zoning not initiate it. Mr. Spellman stated he respectfully disagrees. What they are asking for is, they are already considering something, while they are doing that they might as well consider this. It's not us saying we want to do this. Mr. Marzullo stated that is how it comes across.

Ch. Fischer stated he has already spoken to Planning Services regarding this to ask about the possibility of doing this because this would be after the submission date, so they are aware of why they are doing it, and Ch. Fischer will be attending the May meeting and he would be sure to note that this is not an endorsement or a recommendation of any sort, this is merely a procedural process to enable these to be considered simultaneously so they are not revisiting this potentially in 2 months.

Trustee Augustine asked if they can make a motion to rezone a parcel without the property owners submitted application. Ch. Fischer stated that Section 519 states there are 3 ways that a text or map amendment can be made, and one of them is through the Zoning Commission – Ch. Fischer stated he has also already confirmed that if they vote to make a recommendation of no on this parcel, it still go to the Township Trustees for consideration – so even if they vote to recommend against the change – once this is started it will go all the way to the Township Trustees for consideration so we can still make a recommendation either way on it at their next meeting.

Mr. Marzullo asked why would they not want that parcel to be residential. Ch. Fischer stated because if the school moved to business, with business north and south and there would be a 100 foot strip of residential, which is all this particular parcel is, we would not want a 100 foot strip there; it is almost unbuildable. Mr. Marzullo stated it would be unbuildable, but it is currently part of a different parcel, owned by the same gentleman that owns the B-2 space and it doesn't put any sort of limitation on what it can do with that land except that 100 foot strip which is already going to have setbacks anyway. Mr. Spellman asked Mr. Marzullo if he is saying the lot is already unbuildable and it doesn't matter if it's B-1, B-2, R-1 or whatever. Mr. Marzullo stated it does matter and he thinks that it needs to be R-1. Ch. Fischer asked why it would need to be R-1 if everything around it is Business.

Mr. Marzullo stated that is why he wants it to remain R-1 because then it's not the Zoning Commission actively trying to build out the B-2 district. Mr. Marzullo stated if they are actively trying to build out the B-2 district the Medina County Planning Commission will look at it and think the Zoning Commission is already trying to expand it and they are going to say yes it should be approved as B-2. Mr. Marzullo stated that it has been said previously that there is too much city representation on Medina County Planning Commission. Ch. Fischer stated he agrees, but he doesn't think this will have any impact on that. Mr. Marzullo asked why they are doing this and Ch. Fischer stated because he doesn't want to

revisit this in June and July, he wants the Township Trustees to be able to consider both of these at the same time so they don't have to have another round of public hearings. Ch. Fischer stated if he thinks the school goes B-2 he thinks they have to make a motion to change the other parcel to B-2 because there is no reason to have a small residential strip. Ms. Crew asked if that is up to the property owner to do that, and Ch. Fischer stated they have the right to do that also, that is one of the 3 ways to change. Mr. Marzullo stated they have the right but they don't have the need to. Ch. Fischer stated they should make things coherent. Mr. Marzullo stated there is a good possibility that won't be a deficiency. Ch. Fischer stated he agrees if the Township Trustees vote no and if they do he would strongly suggest they also vote no on this other small strip – but he would like the Trustees to consider them simultaneously so that they don't have to do anything later. Ch. Fischer stated that their recommendation for all of this can be no, it's just to move it through the process so they are not coming back and fixing. Ch. Fischer stated he thinks if the school parcel goes to B-2, he thinks the zoning map will be deficient. Ch. Fischer stated if the school parcel doesn't go B-2, he would think the Township Trustees would also vote no on the small strip of land and it would remain as is.

Mr. Marzullo asked why it would be detrimental to have another public hearing regarding the small parcel, and Ch. Fischer stated that would be an expense and a time commitment on the Township's part. Mr. Spellman stated both Mr. Marzullo and Ch. Fischer are making very good arguments – he agrees with Ch. Fischer – at the end of the day just do it all as one and let it sink or swim as one which is an efficient way. Mr. Marzullo stated they will be there in June or July anyways. Ch. Fischer stated correct, but they might have to have 2 public hearings, the Township Trustees would have to have a public hearing, that would be 3 public hearings, public notice for each of those public hearings and then they have the time and resource commitment to that. Ch. Fischer stated there are other things he would like to consider including conservation districts, front yard setbacks, multi-dwelling units, and all of that is being pushed aside because this will take precedence. Ch. Fischer stated they are an extremely capable Board, and he would hate to see their resources utilized on something that the Township can fix at one time. Mr. Marzullo stated that if the school does go B-2, the public hearing for that 100 foot strip of land would be about 5 minutes long and they would be able to move on very quickly. Mr. Marzullo said if they take Medina County Planning out of this entirely, how does this look to the Township when the Zoning Commission is actively trying to expand the B-2 district – whether they are actively trying to or not, that is the optics of it. Ms. Crew agreed that is the perception.

Mr. Manley stated he agrees with Mr. Marzullo but on the other hand they were appointed to make certain decisions, and Ch. Fischer has obviously done a lot of research on this and his argument is persuasive and they are here to make these decisions. Mr. Manley stated he thinks they all recognize at the end of the day they are probably saving the Township a few dollars. Mr. Manley stated he would go with the change. Mr. Manley stated they are just an advisory board to the Trustees. Ch. Fischer stated that even if they approve the motion, this is not a recommendation or endorsement on either of these parcels – this is just for efficiency of process. Mr. Manley stated their primary role is to make sure that the resolution lines up with the Comprehensive Plan and what is best for the Township and what is really important right now – reading the room – everyone in the audience is saying don't do this. Ms. Crew stated she doesn't think this is the time for this, there's a lot of anger with the senior complex and the school – she hasn't seen one email from any resident for it and this is not the time for it. Ms. Crew stated she thinks it is a perception to the community – it sends a message to the community that zoning

is trying to get B-2 expanded and this is not what the community wants. Zoning does a lot of good work. Ch. Fischer stated the Trustees vote on this so he is just trying to get this into their hands so they can make the decision.

Mr. Spellman stated this is their role to look at things like this and have the conversation from every angle and ask if this is the right thing to do. Ms. Crew stated she agrees with that but she doesn't agree that this is the right time. Mr. Spellman stated the perception of it is mistaken if looking at it from the perspective of the Zoning Commission, is passing this on to change to B-2 – the reality is that is not what is being said – we are saying we are already considering one thing, let's just consider this at the same time to create efficiency. Mr. Spellman stated if the school parcel becomes B-2 then that becomes their problem – so there is a lot of assumption. Ch. Fischer stated he thinks they should throw it out there and see what happens. Ch. Fischer stated that to Ms. Crew's point he doesn't know if the sentiment is going to change in June or July – if that goes B-2 above and then we propose another B-2 that will not go over any better. Ms. Crew agreed and stated they could have the public hearing when they are making the text amendments and do it all at once. Ms. Crew stated we talked about a hearing for the text amendments, so there will be a public hearing in the future and they could just put it all together then. Ms. Crew stated she thinks the perception is bad. Mr. Marzullo asked if that parcel remains residential and above it goes business, then potentially if they want to change it in the future, fine. -- Why does it need to be right away? Ch. Fischer stated he feels they have a duty to take care of deficiencies, especially when they are involved in the process. Why would they create a map and then allow that map to be stagnant with something so glaring as a small piece of residential between two business. Ms. Crew stated they don't have business right now, we have residential until it changes, so they shouldn't even think about it. Ms. Crew stated she understands the efficiency. Mr. Marzullo asked why wouldn't they then change the other parcel next to it to business because it has business to the west of it. Ch. Fischer stated because it's not sandwiched between business, it's not the same – this is a completely sandwiched property and that is what he is preparing for.

Mr. Spellman stated let's pretend that the school parcel becomes B-2 and they do nothing with the small parcel, they put an undue burden on that property, it is effectively landlocked due to zoning – and even if it was changed to B-2 there is nothing that could be done with that. Mr. Marzullo stated there is nothing that can be done with it whether it is B-2 or R-1 so why would they change it if nothing can be done with it. Ch. Fischer stated that it cannot be combined with a residential to make it usable, but if it is combined with a B-2, it is usable. Ms. Crew stated they are at their 30 minutes.

Ch. Fischer stated he will entertain a motion to amend the zoning map to change the portion of subplot 4 in the Hinckley Center plat township lot 56 subdivision contained within parcel 016-03D-01-005 that is presently zoned R-1 and the portion of subplot 5 in the Hinckley Center plat township lot 56 subdivision contained within parcel 016-03D-01-005 from R-1 to B-2 and to forward the map amendment to the Medina County Planning Commission.

No Motion was made by any Board member.

Ch. Fischer stated he will entertain a motion to extend the meeting by 15 minutes.

- Mr. Spellman moved and Ms. Crew second.
- There was no further discussion.
- Board was polled.
- All were in favor.

Ch. Fischer stated they have a proposed map amendment change from R-1 to B-2 for 1586 Center Road, they are awaiting comments from the Medina County Planning Commission. Ch. Fischer stated they will not be submitting written comments, however, he will be attending the Planning Commission meeting if there are any comments this Board would like to make.

Ms. Crew stated she is against changing it to B-2 – she doesn't see the value to Hinckley Township. Ms. Crew disagrees that in the Comprehensive Plan it speaks to it – she believes the Comprehensive Plan speaks to having this rural, small town community downtown center, not to expand the downtown center.

Ch. Fischer stated the only comment they would provide to the Commission would be the desire that the Comprehensive Plan provides for a small town center and not it's expansion. Ms. Crew confirmed.

Mr. Marzullo stated he believes they already have empty business spaces. Ms. Crew stated also there is no plan for what it was going to be if they changed it to Business. Mr. Marzullo stated the rationale for it is lacking. Mr. Manley stated that they have had too many experiences where people have made arrangements with the seller to come before them and if they could make certain changes through the Zoning Commission or the Board of Zoning Appeals then they would buy the land – this has happened too many times – there is no need for this at this time.

Ch. Fischer stated there is no current plan – Mr. Manley stated there is no need at this time.

Ch. Fischer asked if there was anything else and there was nothing.

Ch. Fischer stated they will table short term rentals until the next meeting. Ch. Fischer stated he would like to conclude this because he believes this is a very capable Board and he thinks there are a lot of subject items far more pressing and probably more concern for the public.

Ch. Fischer stated he has no Chairman's report, and the next Zoning Commission regular meeting will be May 5 at 7:00 p.m. The public hearing will be at 6:30 before the regular meeting.

Ch. Fischer asked if there are Board member reports. Ms. Crew stated that Mr. Manley was going to present on the steering committee, but Ms. Crew stated that she attended in the audience and she wants to say that she is disappointed in the survey questions that are going to be used. Ms. Crew stated that she is the zoning person who said that the Comprehensive Plan could be amended; and she doesn't think the questions help them move further.

Ch. Fischer stated his understanding is that at the April meeting, the steering committee will decide on the final questions and submit those – they are having a work session for the purpose of identifying what questions they want to present. Ms. Crew stated the questions to help zoning.

Mr. Spellman stated that Ch. Fischer is doing a great job as a chair. Mr. Spellman stated he agrees with Ms. Crew – if that school lot goes B-2 there is ample opportunity down the road where they may not have to break it up – there will be a lot of other things. Ch. Fischer stated he feels he would not have been doing his due diligence if he hadn't pointed that out. Mr. Spellman stated absolutely, that is their role. Mr. Spellman stated there was a lot of good feedback from the public at the public hearing and it serves its purpose.

Ch. Fischer asked if there were any public comments.

Mr. Richard Pearl asked about a parcel on the map and Ch. Fischer stated it is unowned. Ch. Fischer stated there is a tiny section that touches the school district and on Zillow it appears that there is a continuation of the parcel, but it's not – On the county's GIS it states there is no known owner for that parcel - they contacted tax map and they said sometimes that happens if surveys are done and one of the surveys is wrong and it could have been pinned incorrectly. Basically what happens is an adjacent owner, presumably through adverse possession, would have to take court action to get ownership of that parcel.

Trustee Augustine stated that if they ever feel their meetings are running long and they want to do a second meeting or a work session they can work that out as a Board. Also, if they feel they need a consultant for anything, please feel free to have a discussion on that and let her know.

Mr. Bindofer stated that he doesn't know how they will solve this, when he says something he has an intention and comments can be perceived in a different way. The question lies in the use of language, semantics, and subjectivity and this is what opens the door on all kinds of loopholes. Mr. Bindofer stated his humble opinion is that they will have to put an asterisk on the bottom and say this is what I mean so the other people's perception is taken away. Mr. Bindofer stated that as residents they elect Trustees and they are supposed to act for them. Mr. Bindofer asked if the Board is going to make the final decision next month on Pride One, but then he heard it will go back to the Trustees and it should because they represent the residents. Mr. Bindofer stated they should have a say through somebody and these public meetings help, they should know where they stand. He thought this was the end, and he is glad it was tabled. Mr. Bindofer asked who will make the final site plan decision.

Ch. Fischer stated the Zoning Commission will make a final approval or disapproval or whatever they are going to do on the final site plan, that will conclude it. The Zoning Inspector will have the option to inspect it all the way through to make sure it is complete. The Township is involved in the final deed, but they are not going to have a public hearing, this really is the end of the meeting session with respect to this. So when they do their vote, that is really it with respect to the public input portion of this. Ch. Fischer stated when he said that it goes back to the Township Trustees, he was referring to the map amendment. Ch. Fischer stated they are an appointed Board and they are actually an independent Board so their terms are intentionally longer than the Trustees terms because the idea is that you want

this Board to move much more slowly in terms of the types of regulations that happen than an elected official. An elected official might come in and be able to change everything that they are doing within a year or two but this Board is staggered positions over a 5 year span so you are not seeing those quick transitions based upon the sentiment of the public. They are here to represent the public – what they do is not dictated by the Trustees – they are an independent body. Ch. Fischer stated they are intended to represent the will of the community.

Ch. Fischer stated that there will likely be a motion for the school recommendation at the next meeting, so he encourages any Board member with any questions or if they would like to know what factors to consider legally as far as what grounds they have to approve or reject, please feel free to reach out to Brian Richter, Medina County Prosecutor, they are the Township’s legal assistance. Ch. Fischer stated he is always willing to take calls and his number has been listed on the emails and if they need his number please contact Suzanne. Mr. Spellman asked if they can reach out to him individually, and Ch. Fischer stated yes. Mr. Richter can provide a written recommendation to them collective, but they cannot have a conference call with him, so if they have any questions, please reach out to him individually.

Ch. Fischer asked if there was anything else, and there was nothing.

Ch. Fischer entertained a motion to adjourn the April 7, 2022 Zoning Commission Regular Meeting.

- Mr. Manley moved and Mr. Marzullo second.
- No further discussion.
- Board was polled.
- All were in favor.

The Zoning Commission Regular Meeting was adjourned at 10:18 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2022

Marcus Fischer, Chairman

Michelle Crew, Vice-Chairman

Matt Marzullo, Member

Dave Manley, Member

Bill Spellman, Member