

Ch. Marzullo called the August 5, 2021 Zoning Commission Regular meeting to order at 7:20 p.m.

Ch. Marzullo 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.

Roll found: Marzullo, Fischer, Schneider, Crew, Wrubel, Manley has an excused absence

Also in attendance: Alternate Arline, Trustee Kalina, Trustee Burns and Trustee Augustine attending virtually and Zoning Inspector Wilson and consultant George Smerigan

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission continued Public Hearing on July 1, 2021 and if there were any comments or corrections. There were none.

Ch. Marzullo stated he would entertain a motion to approve the July 1, 2021 Zoning Commission continued Public Hearing minutes.

- *• Mr. Schneider moved and Mr. ^{Fischer} Schneider second.
- There was no further discussion.
- Ch. Marzullo called for vote to approve.
- All were in favor.

Marzullo – yes; Fischer – yes; Schneider – yes; Crew – yes; Wrubel – yes

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission regular meeting on July 1, 2021 and if there were any comments or corrections. There was one change as indicated by Ch. Marzullo.

Ch. Marzullo stated he would entertain a motion to approve the July 1, 2021 Zoning Commission Regular Meeting minutes, as amended.

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

Marzullo – yes; Fischer – yes; Schneider – yes; Crew – yes; Wrubel – yes

Ch. Marzullo stated there have been several public comments over the last month. Ch. Marzullo stated an email was received from Shawn Papera regarding Mr. Schneider's comments in the previous meeting regarding farmers and their retirement plans and also in support of raising the minimum acreage to 5 acres. Also there was an email from Larry Bindoffer regarding the Pride One Senior Apartment project and the findings by the Army Corps. Ch. Marzullo read into record a portion of the email submitted by Mr. Larry Bindoffer. Ch. Marzullo stated there was an email submitted by Nikki Long requesting the Township to update the Comprehensive Plan and various other items. Christine Studor sent a newspaper

clipping of a Letter to the Editor regarding the Comprehensive Plan in Medina Township. Ch. Marzullo stated Mr. Bindoffer sent an additional email regarding concerns about the senior housing project.

Larry Bindoffer – 2666 Center Road, Hinckley

Mr. Bindoffer stated he wanted to address his second email regarding the senior housing. Mr. Bindoffer stated that a lot of what he discusses is taken directly from Pride One's submission. Mr. Bindoffer stated he thinks they are getting hung up on the letter of the law and the greater good of the community. Mr. Bindoffer discussed his feelings regarding what is allowed in the B-1 District, the water issues with the Pride One project, and what is good for the community, what is the will of the people and keeping Hinckley rural. Mr. Bindoffer discussed at length the flooding on his neighbor's property and his concerns about additional flooding when the senior housing is built. Mr. Bindoffer discussed the property owned by Dave Terry that is next to the senior housing lots. Mr. Bindoffer stated that he appreciates them giving him the time to speak.

Ch. Marzullo stated they also received an email from Nikki Long regarding Western Reserve Land Conservancy buying land throughout the Township and recommended they come out and give a presentation to the residents. Ch. Marzullo received a zoning code question from Michael David asking to shed light on accessory buildings or structure uses in an R-1 district.

Ch. Marzullo asked the Board if they had a chance to review the plan submitted by the Reserve at Pine Valley Subdivision.

Mr. Bender

Mr. Bender thanked the Board for their time and stated they are seeking final review for their plat for 1A for the Reserve at Pine Valley. Mr. Bender stated that this is the property that was formerly part of Pine Hills Golf Course. The site is developed, and the plat has been reviewed and recommended for approval by the Medina County Planning Commission. Mr. Bender thanked everyone for their cooperation and help. Mr. Bender stated that he has been in contact with their neighbors at the north and south side of their entranceway to discuss some landscape buffering for headlights and things, they may be putting landscaping on those lots. Mr. Bender stated he promised he would be back after street is open and they would revisit and he hired a landscape architect to review.

Ch. Marzullo asked if there was any pushback from the surrounding neighbors and Mr. Bender stated no. Mr. Bender stated he felt it was better to visit the neighborhood and contact the people who lived near by early on.

Mr. Fischer stated that the 2 topics discussed previously were lighting and signage, and he doesn't see any on the plan, particularly at the entrance. Mr. Bender stated the landscape architect is working on that now. They will have ground lighting on a small monument on the north side, somewhat inconspicuous, they want some on W. 130th so people can see it, they want it to be low-voltage ground lighting. Mr. Fischer asked if there will be fencing and Mr. Bender stated if they do it will be a couple pieces of decorative aluminum fencing.

Mr. Bender also addressed lighting, he stated they put in their covenants that each home will have a post lamp located no closer than 5 foot to the right away and no farther than 50 foot away. Additionally, there will be no sidewalks.

Mr. Schneider asked if the drainage will be toward W. 130th or toward the golf course. Mr. Bender stated all water flows toward W. 130th, empties into their basins, and then flows into the golf course. Mr. Bender stated the golf course uses the water for irrigation on the golf course.

Ch. Marzullo reviewed the Plat Review in Chapter 11 and verified with Mr. Bender if the plan meets the Zoning Resolution requirements.

Mr. Fischer asked if they are doing a temporary turn around at the end. Mr. Bender stated they are doing a temporary turn around and also they provided the Township with a bond securing an agreement that if they don't do a permanent cul-de-sac within 3 years, the funds are there for the County to proceed. There is one stop sign at W. 130th, and the County requested him to pay them directly so it can be installed exactly to regulation. In approximately two weeks the sign will go in.

Ch. Marzullo asked if they have the plan for Phase 2 and Mr. Bender stated yes. Mr. Fischer asked what the time frame is and Mr. Bender stated he believes next Spring. Mr. Fischer asked if they have accepted reservations and Mr. Bender stated no, but they have a list of interested people.

Zoning Inspector Wilson stated they determined it meets all the necessary setbacks. Ch. Marzullo stated he believes the lots are larger than the required $\frac{3}{4}$ of an acre.

Ch. Marzullo stated that after reviewing the requirements, they will need a proposed landscaping and screening plan.

Ch. Marzullo asked if there were any comments or questions.

Mr. Schneider stated they would approve on Phase One with the requirement that they submit the landscape and light plan to the Zoning Inspector prior to initial construction. Mr. Fischer stated he agrees but thinks they can continue with construction and not allow for the landscaping and lighting construction to begin until they receive the approval. Mr. Bender stated that no construction will begin until at least November.

Ch. Marzullo entertained a motion to approve the ^{plan} ~~plat~~ with the stipulation that the landscape and lighting ~~plat~~ ^{plan} is submitted and approved prior to installation.

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

Marzullo – yes; Fischer – yes; Schneider – yes; Crew – yes; Wrubel – yes

Trustee Kalina stated the Trustees will be meeting on August 17, 2021 and the Trustees do have the plat; they were waiting for the County Planning Commission and the Hinckley Zoning Commission to review.

Mr. Bender thanked everyone.

Ch. Marzullo stated the next agenda item is the Tire Max application. Ch. Marzullo stated because it was not approved by the Board of Zoning Appeals, they can strike from the agenda because there is no action to take.

Trustee Kalina suggested the Board consider a motion to deny the preliminary plan, as submitted, for procedural purposes.

Ch. Marzullo entertained a motion to deny the Tire Max application due to it not receiving approval from the Board of Zoning Appeals.

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

Marzullo – yes; Fischer – yes; Schneider – yes; Crew – yes; Wrubel – yes

Ch. Marzullo stated the next agenda item is the Pride One Senior Housing.

Ben Weinerman – Pride One Construction – 2211 Medina Road, Medina, Oh

Mr. Weinerman stated that on June 7, 2021 the Board of Zoning Appeals approved the Conditional Use Application for Senior Citizen Residential Facilities and assigned to the approval 17 conditions. All of the 17 conditions have been met and/or exceeded as shown in the submittal packet the Board has received and they are here to answer any questions.

Ch. Marzullo asked what variances had been granted. Mr. Weinerman stated no variances were granted.

Ch. Marzullo asked if there were any questions.

Mr. Schneider asked with all the concrete on the plat where is the stormwater going to run and how will it exit the facility.

Mr. Weinerman stated there are 3 dry detention basins on the plan, one on 303, one on W. 130th, and one on the northeast property line. Mr. Schneider asked if they are designed to hold all the water runoff, and Mr. Weinerman stated yes. Mr. Schneider asked if there is an overflow, and Mr. Weinerman stated yes. Mr. Schneider asked if the one on 303 would go into the culvert on 303, and Mr. Weinerman stated

yes according to Matt Martin from Medina County Highway. Mr. Schneider asked if the flow is east or west.

Travis Crane – Davey Resource Group – 1310 Sharon-Copley Road

Mr. Crane stated the water from the ditch flow is East. Mr. Schneider asked if the basin on the northeast corner of the development overflows, does it go into the back yards of the properties on 303, where will that run off go.

Mr. Crane stated he assumes it would flow down the eastern side of the road, which eventually runs onto 303 and into the ditch. There would be a routing map

Mr. Schneider stated that he has a problem with this because they have a flooding problem that the State of Ohio doesn't accept from other construction companies and now they are adding more concrete, and he is concerned where all that water will be going.

Mr. Crane stated that there are two watersheds on the property – half of the water flows to W. 130th and half flows to Route 303, and if they flow there now that is what they follow, it is routed through stormwater management basins. Mr. Schneider stated with all the concrete, that is a lot of water not being absorbed into the ground. Mr. Schneider asked what kind of assurance they will give that 3 years from now there will be an overflow into Center Road with a small culvert that can't hold the water, and the Army Corps only accepts water coming from the watershed onto the property.

Mr. Crane stated their plans will be reviewed by the Medina County Highway Engineer and their plans will comply and exceed their regulations and the Ohio EPA regulations. Mr. Schneider asked if there is any way they can get a bond to take care of any potential issues that arise in the next ten years. Mr. Schneider stated he is worried about the resident and Center Road, he is not against what they are building, the watershed is the problem and he wants assurance that any problems will be resolved in the future. Mr. Schneider asked if there is something they can do in the future to handle an issue that may come up. Mr. Crane stated he doesn't understand the question. Mr. Crane stated he has been doing stormwater management for 20 years, and this situation is reviewed by multiple entities.

Ms. Crew asked if they have driven down 303 when there are heavy rains, and Mr. Crane stated yes but he has never seen them overflow. Ms. Crew expressed a concern about the flooding.

Zoning Inspector Wilson stated there is a problem on Center Road, and he has contacted someone to clean the ditches out. This is a major part of the problem.

Ms. Crew and Mr. Weinerman discussed the arrows on the site plan and what they mean. Mr. Crane stated ODOT would be reviewing the plans also.

Mr. Fischer asked for some more information on the dry basins. Mr. Crane stated there is minor infiltration into the ground, in Medina County the ground is mostly clay so the water won't go into the ground usually. The water could be in the basin 24-48 hours and then will drain. On this project they will drain into the storm sewers and discharge into the right of way on W. 130 and 303. Mr. Crane stated

there is water flowing from the woods into the backyards on 303. Mr. Crane stated they will be complying with the regulations of the Medina County Highway Engineer, the Ohio EPA, and ODOT.

Mr. Schneider addressed the language regarding riparian setbacks in the Code regarding use of land to protect the public, and he feels they should be in compliance with that. Discussion followed.

Mr. Schneider stated all the water that would be going into the ground, they are directing it into a culvert 900 feet down the road. Mr. Schneider stated they are compounding a problem that won't affect them. He again asked if they can do something to remedy the waterflow.

Mr. Crane stated he does care about the waterflow, he has a professional responsibility and liability.

Mr. Smerigan asked if they have the capability to oversize the basin, and Mr. Crane stated yes. Mr. Smerigan stated he understands Mr. Schneider's concerns, he has seen the flooding, but Mr. Crane's group can't fix the flooding issue because that is out of their control and, by EPA standards, he cannot change the watershed he drains in, that is a violation of state law. Mr. Smerigan stated that rather than a bond, they can oversize the basins and build an additional safety factor so there is additional storage capacity and that creates a certain safety level to help build in what Mr. Schneider is asking for. Mr. Crane stated that is something they could consider.

Ch. Marzullo asked how deep are the basins, and Mr. Crane stated they haven't engineered them yet so he doesn't know. Mr. Smerigan stated they would need to provide all that detail.

Mr. Fischer stated that there are regulations on ponds and lakes; if over 2 feet the pond or lake has to be at least 50 feet from the road right of way and side yard requirements of no less than 15 feet. On this plan it appears that the dry basin on W. 130th is only 25 feet from the right of way and the one on Center Road is 25 feet. Zoning Inspector Wilson stated that is for ponds. Mr. Fischer stated when they are holding water they could be ponds, and Zoning Inspector Wilson stated they could be creating something new there. Mr. Schneider stated they are storm basins at that point, not ponds. Discussion followed. Mr. Smerigan stated if it is designed to be dry, then it's difficult to call it a pond. Mr. Smerigan stated the safety issue of someone driving off the road is something to consider. Further discussion followed.

Ms. Wrubel asked Mr. Weinerman what sort of discussions they have had with adjacent property owners on 303 regarding the flooding and how they might be able to help them. Mr. Weinerman stated that he has explained everything to Mr. Bindoffer, including that the water will not be flowing any faster with their project than what it flows today, it should not be any worse after the project is built and it might be even better because the water runoff is now being captured and released slower. Ms. Wrubel asked if their water management system doesn't work, how will that affect the residents living there, and Mr. Weinerman stated he can't speak to that because the government agencies hold them to that standard. Ms. Wrubel asked if they would be willing to sign an indemnification agreement, and Mr. Weinerman stated no.

Mr. Smerigan stated that, in one way, the project will make the drainage better because the basin placement will cut off the flow of the water affecting the back yards; no matter how they design it, the

basin will catch that water. The issue will come from the roadside ditches on 303; even if the water is held off, the ditches are inadequate to hold the water in heavy rains.

Ms. Wrubel asked Mr. Smerigan as the water is flowing into the culverts, are the culverts inefficient as they are maintained at the moment. Mr. Smerigan stated he thinks they are inadequately maintained, he can see that the maintenance is lacking. Mr. Smerigan stated he believes it is inevitable that the back yard flooding will be better, but there will be no improvement in the water draining into the culverts.

Ms. Wrubel asked if the design is inefficient, and Mr. Smerigan stated he doesn't know but the maintenance is lacking. Ms. Wrubel asked Mr. Smerigan if he has an opinion regarding whether, if the project is approved, it will exacerbate the issue. Mr. Smerigan stated if it is designed correctly and if they hold the water back in the manner they are discussing, it should not. Mr. Smerigan stated the back yards should be better but the roads are the issue.

Mr. Crane stated if they were going to put the water into a pipe and route to 303, that would make a bigger problem, but with the basins it will slow the flow of water. Further discussion followed.

Ch. Marzullo stated he has seen water routing plans that have failed and that is where the concern is coming from. Further discussion followed.

Dan Dave – State Road

Mr. Dave asked why wouldn't they put something in place in case something does happen.

Mr. Weinerman stated the drainage relies on what happens down the road, and he doesn't have anything to do with that.

Mr. Dave stated that they don't have any control and until that can be remedied they shouldn't proceed.

Dave Firestine – Wichey, Wichey and Firestine, Copley

Mr. Firestine stated that Mr. Weinerman's answer was correct, they can only control what they can control and it's unfair to ask them to do something about anything they cannot control. Based on the years of experience and training the engineers direct them what to do.

Mr. Dave stated he does agree with Mr. Firestine, but it is up to the Commission to approve or not approve if they feel it won't work.

Ch. Marzullo stated that their decisions are based on what is in the Code.

Mr. Bindoffer responded that he feels the flooding will happen and it will get worse.

Discussion followed regarding what, if anything, can be done to fix the flooding issue and assure it will work.

Mr. Smerigan stated that the Commission cannot go beyond their authority.

Mr. Fischer made a motion to extend the meeting for an additional 15 minutes.

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

Ms. Crew stated that if they could work together, they can possibly come up with something. Ms. Crew asked if they can suggest something. Mr. Weinerman stated they can talk with ODOT to try to get them to address the maintenance of the culverts.

Ch. Marzullo stated, at some point, they have to trust the plans of the engineers. Ch. Marzullo stated, if they meet the regulations, they have to vote on it.

Ms. Wrubel stated they received the response from the Medina County Planning Commission regarding this project at approximately 8:28 a.m. this morning, and she doesn't feel she has had adequate time to review. Ch. Marzullo stated she could abstain from voting.

Mr. Fischer stated that 2 of the conditions from the Board of Zoning Appeals was mounding and fencing, and he stated he doesn't see any mounding. Mr. Fischer stated when they come back, make sure they show the mounding.

Ch. Marzullo asked if there are any other questions regarding the plan.

Mr. Bindoffer addressed the Board regarding the greater good of the people versus the building. Mr. Bindoffer stated he has lived there for 25 years and he has seen what can happen. Mr. Bindoffer addressed his variances and wanted to make sure they were still in place, and Mr. Bindoffer further discussed the flooding issues.

Ms. Wrubel made a motion to extend the meeting for an additional 15 minutes.

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

Marzullo – yes; Fischer – yes; Schneider – yes; Crew – yes; Wrubel – yes

Ch. Marzullo asked if anyone had any other comments or questions regarding the proposed plan.

Mr. Fischer stated he would like to put an asterisk about where the basins are located relative to the street and what kind of road hazards there could be.

Ch. Marzullo stated they should go through A-N of the Preliminary Site Plan Submission Requirements to determine if they are met and, if met, they can vote. Ch. Marzullo began going through the Preliminary Site Plan Submission Requirements.

Ch. Marzullo stated they have identified the project has A-N as required.

Ch. Marzullo asked if anyone has any questions regarding whether the plan lines up with the Zoning Resolution as it is currently written.

Ms. Wrubel asked Ch. Marzullo about comments he made that were reviewed by the Medina County Planning Commission, specifically his concerns regarding the setbacks. Ms. Wrubel asked Ch. Marzullo if he feels his comments were specifically addressed. Ch. Marzullo stated that is what they had discussed earlier, because the basin cannot be reviewed as a pond, those setbacks don't apply. Ms. Wrubel asked about the screening on the northeast lot line, and Ch. Marzullo asked about the landscaping plan and Mr. Fischer stated that would be part of their final plan.

Ch. Marzullo asked the Board about Chapter 4 – 4.1e, how does that affect or apply to this property. 4.1e specifies that no more than one dwelling shall be permitted on any one lot. Zoning Inspector Wilson stated this only applies to R-1. Mr. Smerigan stated that there is no way to have one unit on a lot if there is a multi-family dwelling. Discussion followed. Mr. Smerigan stated he feels the Board should get advice from the Prosecutor regarding whether there should be one lot or multiple lots.

Mr. Schneider made a motion to table everything on the agenda to next week, August 12, 2021 at 7:00 p.m. After a legal opinion can be obtained regarding Section 4.1, they will start with Pride One, and include the text amendment changes, then complete the rest of the Board's business.

- Mr. Fischer second.
- There was no further discussion.
- All were in favor.

Ch. Marzullo gave the Chairman's report. Ch. Marzullo stated he went to the Medina County Planning Commission on July 7 and August 4. Ch. Marzullo stated he already talked about all the emails and questions he had received; there were also phone calls and voice mails regarding decreasing and increasing the lot requirements. Ch. Marzullo stated he had a call from someone regarding what steps to follow to turn residential to commercial. There were 2 public records requests, one from Christine Studor for all communication regarding text amendments and one from Mr. Firestine for all senior apartment communications.

Ch. Marzullo stated that they had received an application for conditional use for Buzzard Cove Scream Park.

There was no further business or comments.

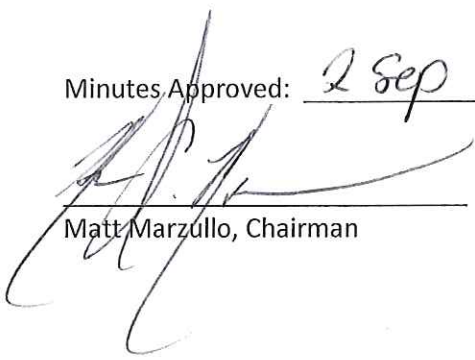
Ch. Marzullo entertained a motion to adjourn the August 5, 2021 Zoning Commission Regular Meeting.

- Mr. Fischer moved and Ms. Wrubel second.
- No further discussion.
- All were in favor.


The Zoning Commission Regular Meeting was adjourned at 9:58 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: 2 Sep, 2021



Matt Marzullo, Chairman


Marcus Fischer, Vice-Chairman


Bruce Schneider, Member


Michelle Crew, Member


Dave Manley, Member (absent)


Lindsey Wrubel, Member