

Chairman Burns called the September 7, 2021 Public Hearing meeting of the Hinckley Township Board of Trustees to order at 6:03 p.m. Present were Trustees Jim Burns, Melissa Augustine and Chris Kalina, Fiscal Officer Martha Catherwood, 10 residents in person and 3 virtual attendees and 1 reporter.

Mr. Burns stated that the reason for the September 7, 2021 Public Hearing is to hear public comment on the proposed Zoning Amendments and read the legal ad as follows:

The Hinckley Township Board of Trustees will hold a Public Hearing to hear public comment on proposed Zoning Amendments on Tuesday, September 7, 2021, at 6:00 pm with a Regular Trustee Meeting to follow in the Administration Building located at 1410 Ridge Road, which is on the southwest corner of the intersection of State Routes 3 & 303.

Subject of the hearing is as follows:

To review proposed amendments to the Hinckley Township Zoning Resolution from the Township Zoning Commission as follows:

Amend the following: Table of Contents: Chapter 18 – Alternative Energy Facilities Section 18.5 & 18.6 add text; and update page numbering; Chapter 3: Section 3.2 Definitions Remove Automobile Service Station; Add Automobile Refueling and Recharging Station; Add Automotive Repair and Service; Chapter 4: Section 4.16 Projections into Required Yards add and remove text; add punctuation; Chapter 6: Sub-Section 6R1.2 Permitted Uses (6R1.2.E.5) add text; Sub-Section 6R1.7.E.2. Lot Requirements add text e. and f.; Sub-Section 6R1.7.E.3. Perimeter Building Requirements change text a. and b.; Sub-Section 6R2.2 Accessory Uses (6R2.2.D.5) add text; Sub-Section 6B.3 Schedule of Permitted Uses (6B.3.C.1) change text; Sub-Section 6I2.2 Permitted Uses (6I2.2.H & I) change text; Chapter 9: Section 9.4 Off-Street Parking 9.4.D.2. & 4) change text; Chapter 18: Sections Alternative Energy Facilities (Section Titles) add text to chart); Section 18.3 Uses to Accessory add and change text; Section 18.5 Roof Mounted Solar Arrays in Residential Districts (18.5.A & B) add text; Section 18.6 Roof Mounted Solar Arrays in Non-Residential Districts (18.6.A & B) add text; Section 18.7 Free Standing or Ground Mounted Solar Arrays (18.7.G) add text; Section 18.8 Roof Mounted Wind Energy (18.8.F) add punctuation “ ’ ” and Section 18.9 Free Standing or Ground Mounted Wind Energy Facilities (18.9.I) add punctuation.

After the conclusion of this hearing, within twenty days, the Township Board of Trustees shall either adopt, deny, or modify the recommendations of the Township Zoning Commission. If the Board adopts, denies, or modifies the Township Zoning Commission’s recommendations, a majority vote of the Township Board of Trustees shall be required.

Copies of the proposed amendments will be available for public viewing from the date of this notice to the date of hearing at the Zoning Department located in the Administration Building at 1410 Ridge Road, on Monday 10:00 a.m. to 6:00p.m., Tuesday through Thursday 9:00 a.m. to 2:00 p.m. and Friday 9:00 a.m. to noon. Information may also be found on the Hinckley Website at [www.hinckleytpw.org](http://www.hinckleytpw.org) under News and Events titled Township Trustees – Public Hearing.

All interested parties are asked to attend the hearing. Written comments may be sent to the Hinckley Township Board of Trustees, P.O. Box 344, Hinckley, OH 44233, however, to be considered all persons commenting must be in attendance. Log into [www.hinckleytpw.org](http://www.hinckleytpw.org) for Zoom option to observe/listen only.

Suzanne Peterlin, Office Contact Hinckley Township  
330-278-4181 August 20, 2021

Mr. Burns turned the floor over to Mr. Kalina who stated that the Trustees had received the proposed amendments from the Zoning Commission according to statute and suggested that Trustees review each item one at a time. He added that the Commission has worked diligently on the forwarded text and thanked them for their time and efforts. At this time he asked Zoning Commission Chairman Marzullo to discuss the proposed text and answer any questions the Trustees and the public may have.

The solar-related text amendments have been in review for over a year and the goal, stated Chairman Marzullo, was to remove ambiguity. The Commission feels that the proposed text made the intent of the language clearer.

Resident Matt Riley (River Road) stated he is happy with the proposed solar-related text and inquired as to whether the Zoning Commission will be reviewing wind energy. Mr. Kalina stated that there are some applicable examples in Medina County for wind energy, though larger installations are outside of township zoning authority.

Mr. Kalina provided some background on comments regarding Conservation Development setbacks from a Medina County Planning Commission (MCPC) meeting. He stated that the MCPC suggested adjusting the setbacks that were submitted by the Zoning Commission.

Mr. Marzullo stated that the Commission felt that the submitted setbacks were justified to maintain a rural feel from the public roadway when passing a Conservation Development. Mr. Burns expressed his concern that the increase to 500 foot was significant and he asked if this might encourage someone to put in a traditional 2-acre development due to the fact that the setback requirement was so large. Mr. Kalina added that the zoning code does allow the Commission to grant a waiver to some requirements in the Code as long as a 2-acre density is maintained. Mr. Marzullo explained that the Commission had researched many existing setbacks within the Township and the County from which to determine the 500-foot proposal.

Ms. Augustine expressed her concern that both the MCPC and the Township's legal advisor reviewed the language and responded that there did not appear to be a legal rationale to the change from 90 feet to 500 feet. She added that there is nothing close to this amount of setback distance in Medina County. Mr. Burns expressed his concern that this amount of increased setback may result in the necessity to build in sensitive areas and may be a disincentive to developers to build a Conservation Development.

Mr. Kalina agreed with Ms. Augustine that there was nothing close to a 500-ft. setback in the County, but he supports the proposal due to the fact that it is supported by George Smerigan, who provides technical expertise to the Township's zoning boards.

Martha Catherwood (Eastwood Road) expressed her support for a more moderate increase with a clear rationale that would support a legal challenge. She added that if a challenge to the proposed language is taken to court, a judge's decision may not result in an outcome beneficial to the Township. She reminded Mr. Marzullo that the Commission has site plan review authority, which is the process from which the farm fields remained at the Walden Pond Conservation Development.

Ms. Augustine asked Mr. Marzullo what the Commission's rationale was for the 500-foot setback. Mr. Marzullo responded that it was to keep people from walking right up to the street, the 500-foot setback will keep children safely back. Ms. Augustine expressed to Mr. Marzullo that if safety was the rationale of the Board then she wished that they had contacted the police and fire chief for their opinions on the matter.

Matt Riley (River Road) asked Mr. Kalina to explain the waiver reference. Mr. Kalina replied that the waiver gives the Commission site specific latitude or flexibility when reviewing a Conservation Development proposal. He added that Conservation Development is an option available to a developer and offers benefits to both parties.

Gary Wolny (Laurel Road) stated that overall density is not impacted by a Conservation Development proposal, that the 2-acre minimum is still maintained, resulting in the same number of homes as a traditional 2-acre development proposal.

Monique Marzullo-Ascherl (Center Road) asked why Mr. Burns could not see the difference between a 2-acre development and a Conservation Development with a 500-foot setback. Mr. Burns replied he can clearly see the difference and that his comments reflect a concern that a 500-foot setback would be a disincentive to a developer pursuing a Conservation Development, resulting in a traditional 2-acre development that would include no buffers at all in any direction if the developer chose to build in that manner. Houses could be built up to the road setback and no "buffer" would be required from any adjacent existing home.

Discussion moved to the proposed text amendment regarding Automotive Repair/Service Station language in the B-1 District. Mr. Marzullo explained that it was the intent of the Commission to keep up with the current business model for this type of use. Mr. Kalina informed the attendees that the MCPC had a robust conversation in their review of this proposal and felt that it may be beneficial to determine what the community envisioned for this area, which includes the intersection of West 130<sup>th</sup> and Center Road. Mr. Kalina suggested that the upcoming Comprehensive Plan Audit might provide input as to the future direction of this area.

Mr. Marzullo stated that the Commission had undertaken this review at the request of the Hinckley Township Board of Zoning Appeals. The BZA had asked for clarity on the existing definition and the proposed text was the result. Mr. Kalina added that this inquiry began in 2019 when Suburban Transportation was interested in locating in this area.

Nikki Long (Parker Road) encouraged the Trustees not to wait until the Comprehensive Plan Audit is completed to approve the proposed B-1 District text amendments.

Gary Wolny (Laurel Road) stated his exception to the proposal and that as the owner of the B-1 property that this change will impact, he asked the Trustees to look at a Copley Township model that addresses the types of uses that was suggested by the MCPC which provides for major and minor uses in the B-1 District. Mr. Marzullo stated that the Commission felt that the major and minor uses language was ambiguous,

At this time, there being no further comments from the attendees, Mr. Burns made a motion to adjourn, second by Ms. Augustine. The trustees unanimously moved to adjourn the public hearing at 7:08 p.m.

Meeting minutes approved by:

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