

Ch. Marzullo called the October 7, 2021 Zoning Commission Regular meeting to order at 7:00 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, Manley, Ms. Crew is attending virtually and is a non-voting member, Alternates Wrubel and Arline have excused absences

Also in attendance: Trustee Burns and Zoning Inspector Wilson

Ch. Marzullo asked Trustee Burns to relay comments from Trustee Kalina.

Trustee Burns stated that Trustee Kalina said he is sorry he couldn't be at the meeting but he wanted to relay to the Commission that the Kubala Farms review will not be until November this year. The alternative energy updates were filed today at the recorder's office; the Planning Commission did not recommend any changes to the service station language so those will be considered after the comprehensive plan review. Finally, the conservation setbacks were more than tripled to the highest amount in the County and the (IA) setbacks were doubled.

Ch. Marzullo thanked everyone on the Commission for all the effort in putting in the text amendments. Ultimately the language regarding the solar amendments passed without any issues. The setbacks on the conservation development were trimmed back from 500 foot setbacks to 300 feet and the recommended changes on the service station language – ultimately that language will stay as is.

Ch. Marzullo asked if everyone had received and read the minutes from the Zoning Commission regular meeting on September 2, 2021 and if there were any comments or corrections. Ch. Marzullo noted a change on the minutes.

Ch. Marzullo stated he would entertain a motion to approve the September 2, 2021 Zoning Commission Regular Meeting minutes, as amended.

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

Marzullo – yes; Fischer – yes; Schneider - abstain; Manley – yes

Ch. Marzullo stated that Trustee Augustine is in the Audience.

Ch. Marzullo stated they would move onto Old Business. Ch. Marzullo stated last month they spent time discussing the subject matter list for the agenda moving forward and asked if there is anything else they would like to add to the subject list.

Mr. Schneider asked how long the Comprehensive Plan will take, and Ch. Marzullo stated months. Mr. Schneider asked if they should hold off on everything until that is complete. Ch. Marzullo stated no, that one of the things they want to move to relatively quickly is the short-term rentals – the VRBOs and AirBnB language – to make sure there is something in the Resolution regarding that, as well as the multi-unit buildings. Ch. Marzullo stated those are things that have seen adjustments in the market and they already have some verbiage in the Resolution that addresses it, and he wants to make sure there is no ambiguity in that language for the Zoning Inspector and the Board of Zoning Appeals. Ch. Marzullo stated he thinks those are two issues that can be moved on prior to the audit of the Comprehensive Master plan.

Mr. Manley asked regarding the multi-unit, are they looking at residential, commercial or a combination. Ch. Marzullo stated they are looking at everything, with regard to multi-unit they are really looking at multi-family. Ch. Marzullo stated there are plenty of organizations that rent a space and they put different groupings of people in there and they want to make sure they have appropriate verbiage in there for what they are trying to do. Specifically, the multi-unit buildings that are authorized in some of the Business Districts, so they want to make sure to clarify the language. Ch. Marzullo stated he would like to postpone discussion on these items until they have a full Commission of 5 people present.

Ch. Marzullo stated the other piece of Old Business is the landscape plan review for the Reserve at Pine Valley off of W. 130th next to the golf course and across from St. Colette Church. Ch. Marzullo stated he thinks the landscape plan looks excellent, and they've done a very nice job with it. Ch. Marzullo asked Zoning Inspector Wilson for his feedback regarding the plan.

Zoning Inspector Wilson stated that on the large drawing there are trees to north and south, those are existing trees, there is a wooded area behind every lot. Zoning Inspector Wilson stated the concrete street is done and he encourages the Zoning Commission members to take a drive down there. Zoning Inspector Wilson stated they want a sign out front, and he is waiting for the Zoning Permit for that because there are rules on how big the signs can be. Zoning inspector Wilson stated they are getting ready to begin Phase One very soon, and Zoning Inspector Wilson reminded everyone this is in the R-2 District so the lots are smaller. Ch. Marzullo stated that quite a few of the lots are larger than what is required in the R-2 District.

Mr. Fischer stated that he has some concerns with the sign. The house on the north side sits back a little bit, and Mr. Fischer suggests that if the light on the post is too bright he would be concerned about the light pollution emanating from that, outside of that he doesn't see any issues.

Ch. Marzullo stated he believes the parking lot also has some lights to the north of the golf course, is that correct. Zoning Inspector Wilson stated yes, but he hasn't gotten the official Zoning Permit application yet, but when he does they will look at that. Mr. Fischer stated he would assume it is light given off by a standard post light.

Mr. Fischer stated they did the final site review of the plan two meetings ago, but they never voted to approve the final site review because they had to have the landscaping plan, so Mr. Fischer said he believes they now have to vote on it.

Ch. Marzullo stated as he recalls they approved it pending the landscape plan. Ch. Marzullo referred to minutes from the previous meetings, and Ch. Marzullo stated the way the minutes read is: **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 he 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 no construction will begin until at least November. Ch. Marzullo entertained a motion to approve the plat with the stipulation that the landscape and lighting plan be submitted and approved prior to installation.** Ch. Marzullo stated it was moved by Mr. Fischer and seconded by Ms. Crew and they were all in favor, so it is approved and to Mr. Wilson's point they are now waiting on the permit for the sign.

Ch. Marzullo asked if there were any comments on the Old Business and there were none.

Ch. Marzullo stated they could begin discussion of New Business, but it would be beneficial to have Ms. Wrubel present since she has experience and insight on the matter. Ch. Marzullo stated, for the audience, what they are looking at for short-term rentals is how to address VRBOs and AirBNBs; it's not a big issue right now but it could be in the future, especially since Agritourism continues to increase in popularity. Ch. Marzullo stated what they are seeing in larger cities is people renting their homes on a nightly basis and their neighbors never know who is actually there and there are noise complaints and various issues when there are transient renters and that is something they need to address in the Zoning Code.

Mr. Manley asked if it would make sense to reach out to the Homeowners Associations because they could stop some of these problems. Ch. Marzullo stated they can and, most likely, the HOAs do have addendums that say something about owner-occupied or one year of lease. Discussion followed.

Tom Vanover, 1388 Ridge Road

Mr. Vanover asked the Board to elaborate on what makes them think that the Township has more ability to regulate it. Mr. Vanover stated that the biggest problem with legislation of this kind is that it is unenforceable. It appears they have a plan on how the Township resources would be allocated to enforce a piece of legislation that restricts and he would like the Board to elaborate on that.

Ch. Marzullo stated that ultimately when he said the Township is better suited to track that - no one is going out and searching for zoning resolution law, there is no enforcement except when driven by a complaint. Many of the HOAS have gone defunct, many don't have the financial resources to actually enforce their by-laws, whereas the Township has a full-time staff that can try to rectify the complaints.

Albert Velasquez, 1979 Pine Ridge Trail

Mr. Velasquez is a short-term rental owner not in the Township, but Mr. Velasquez asked what is the reason they are addressing the short-term rentals, are there issues currently in the Township. Mr. Velasquez asked if the Commission knows how many short-term rentals are in the Township and Ch. Marzullo stated no. Mr. Velasquez stated there are four with about 60-70% occupancy during the year.

Mr. Velasquez stated he and his wife have been searching for an AirBNB location, and the Township is very cost restrictive to grow like the City of Lakewood and Cleveland. Mr. Velasquez stated he doesn't see the problem, because they have a small Township with a high cost per square foot so it makes it very hard to run a profitable short-term rental and he doesn't see how there is a problem, unless the Chief has a list of issues. Mr. Velasquez stated this starts to get into property rights, they have 2 acre minimums so people are distanced from each other, what people do with their own property seems to be a very hot issue in the Township recently, but know there are only four it seems like what is causing the restriction and where do they want to go with that. There are a lot of ways to go around Township restrictions and it costs a lot of money for Townships and Cities to manage. Mr. Velasquez stated they say they want to take care of it but there is no elaboration on what that means. Mr. Velasquez asked if they are trying to restrict short-term rentals or are they trying to restrict the timelines that someone can be in a short-term rentals. Mr. Velasquez stated they own short-term rentals in suburbs nearby and most people are staying longer than 30 days, people going to Cleveland Clinic having surgery, people building homes that stay 3-4 months, that is their average. Mr. Velasquez asked for elaboration.

Ch. Marzullo stated that, with any proposed text amendment they begin with general discussion. Ch. Marzullo stated that saying it is not a problem now could be a dangerous statement because it may not be a problem now, but could it become a problem.

Mr. Schneider stated that as a Zoning Commission it is their job to look into it to find out how it works. Mr. Schneider stated most of the residences in Hinckley are single family, once you start going into rentals that is business, so it would be a business inside a residential area so they have to consult on that to figure out how that fits into the Zoning Code. Mr. Schneider stated they are not here looking at stopping anything, they are making it so it's actually legal to do it if it's required to do it. Mr. Schneider stated a lot of the Zoning is due to something that happened in the past and they try to resolve or remedy the situation for the future. Mr. Schneider stated this is something new coming up and they cannot give specific answer right now, they have to look at it. Once they look at it, they can determine if it is really needed, this is just question and answer right now. Discussion followed.

Trustee Augustine stated she wants to clarify they don't have a full-time staff.

Renee Velasquez, 1979 Pine Ridge Trail

Ms. Velasquez asked if there has been incidents with short-term rentals that needed to be addressed.

Ch. Marzullo stated it was brought up in the last meeting because there have been incidents in areas surrounding Hinckley. Ch. Marzullo stated it's not because there has been one incident, they don't want to get into situations where they have to react to something, they are trying to look at other communities like ours and what they are dealing with and how they are reacting to it, in the event these matters do come up in the Township. Ch. Marzullo stated they want the public engaged on a regular basis, it's very helpful. Ch. Marzullo stated he's not aware that this has been an issue now, but that doesn't mean that it can't be in the future or that it will be. Ms. Velasquez stated she appreciates the proactive approach and for the record no one knows of any issues.

Mr. Fischer stated that is part of what they will talk about when they develop this topic, they will check with the Zoning Inspector and the police, all of that goes into the process.

Mr. Manley stated there have been a couple incidents over the past 10-15 years; they are single incidents involving noise, police were called and that was the end of it. It's not a big deal, it has happened.

Mr. Vanover stated that the concerning part is that when it was originally framed it was noise complaints and people in and out, that was the initial statement of why they are talking about this. Mr. Vanover stated that for those in the business, the initial framing of the statement was to fix something based on noise complaints, transient people, and the neighbors complaining. So if that hasn't happened that's great, when they do start having the conversation and they are not talking about the Cities and Villages around them, but looking at other Townships. Mr. Vanover stated to address a problem proactively is far different then fighting an imaginary dragon. Mr. Vanover stated they all know the condition of the old beverage store 3 years ago. The responsibility to the Township is to keep the building full and to keep revenue flowing, that may be renters in the building, that may be short-term rentals, hybrids and rental models. Mr. Vanover stated if there are no people in the building there is no revenue and you get what you had 2 ½ years ago. Mr. Vanover stated as a concerned property owner who has made a substantial investment, if they are trying to address something else to solve what problems the other areas are having, we have to make sure it's not going to affect what they've already got and the ability for the buildings to feed itself. Mr. Vanover stated they know the results when a building can no longer feed itself and that is their concern going forward. Mr. Vanover stated everyone in the Township and the County have been great to them, so they have nothing negative to say about the process, their concern is what happens after this may affect their ability and they will be right back to where they started from. Mr. Vanover stated they can continue to be part of the conversation, not some imaginary problem based on a YouTube video, but real world things in a Township with Townships their size.

Ch. Marzullo stated that to potentially alleviate some concerns, Mr. Vanover is grandfathered in. Mr. Vanover stated it all depends on how they do it. These are Township regulations and we don't have an established short-term rental property across the street because there is no way in Hinckley Township to establish a legal, short-term rental property. Depending on how the language is crafted, there's no guarantee on them being grandfathered because there is no mechanism by which to establish it currently. Mr. Vanover stated he appreciates the sentiment, but how this gets done is very important.

Ch. Marzullo stated that they spend the majority of their meetings talking about specific verbiage. Ch. Marzullo stated they were very conscious of the verbiage in the most recent text amendment so they weren't creating legal, non-conforming buildings. Ch. Marzullo stated they do not want legal, non-conforming. They want everything to be legal and the right process.

Ron Wayda, 1575 Kuder Road

Mr. Wayda stated that it was said that they want people to stay engaged with this process, so how will this discussion move forward.

Ch. Marzullo stated they will probably be talking about this for the next year. Ch. Marzullo stated the discussions for the proposed text amendment for service stations took approximately 2 years. This is a very methodic and deliberate process and they take their time. Further discussion followed.

Mr. Wayda stated he would like to stay engaged and would like to know how he can find out when they are discussing the matter. Ch. Marzullo stated the agendas are put on the website every month and if an issue is not resolved in a meeting it is automatically pushed to the next month. Mr. Fischer stated this will happen unless something urgent comes up and they cannot get to all matters.

Mr. Fischer stated that even when they have some language crafted, they have to vote on the language in order to send to the Medina Planning Commission, who then has to review it and provide comments. After that they would then have another public hearing and then, if approved, it would go to the Trustees. This is a very long process.

Mr. Wayda asked if the public hearings are a different meeting then regular meetings, and Mr. Fischer stated the public hearings are a separate meeting but typically take place the same day as the regular meetings, but they usually take place at 6:30 prior to the regular meeting.

Mr. Manley asked if people are still allowed to give a self-addressed stamped envelope to the Township office noting what subject they are interested in so that they can receive a copy of the agenda for that particular meeting. Trustee Augustine stated yes, if someone is interested they can email the Township Admin and when the agenda is put out the individual will receive the agenda by email. Trustee Augustine stated typically the Zoning Commission meetings are the first Thursday of every month at 7:00 p.m.

Trustee Augustine stated for the record, in conversation with Police Chief Centner by text, they have had zero complaints or calls as it pertains to AirBNBs or VRBOs rentals. Mr. Manley stated they have had a couple issues over the years but they weren't AirBNB.

Ms. Velasquez asked if they can get a response regarding that issue relating to owner-occupied properties. Trustee Augustine stated she will email the Police Chief's report from the last meeting.

Ch. Marzullo stated this is something they would like to get the entire Commission involved in.

Ch. Marzullo asked if anyone else had anything. Mr. Schneider stated regarding rentals in cities there is usually a requirement that rental properties have to be registered and there are fees involved, so everyone knows where there are rentals. Mr. Schneider stated if doing weekend rentals or quarterly rentals, the Commission needs to look at that as to how they get involved and also that it meets everybody's needs if it happens.

Ch. Marzullo went over the Chairman's Report. Ch. Marzullo stated they went over what was approved during the text amendment process, Trustee Burns went over Trustee Kalina's notes – solar language was approved unmodified, the setbacks for Conservation Developments were approved with

modification, 300 foot setback instead of a 500 foot setback off the primary thoroughfare and the service station verbiage was left unchanged.

Ch. Marzullo stated they received an email from 350 Hinckley asking to make sure they address the screening with regard to sections i and j, they are asking that the Commission continue to look at the screening that is in the screening requirement for alternative energy sources that are currently in the book as potentially something that they can remove, and Ch. Marzullo stated he believes they did touch on that last month.

Ch. Marzullo stated there were several correspondences between himself, Zoning Inspector Wilson, Suzanne Peterlin and Trustee Kalina regarding Kubala Farms and that is not going to be reviewed until November. Ch. Marzullo stated he believes that is still in front of the Medina County Planning Commission.

Ch. Marzullo stated he also received an email from Steve Szczepinski – he asked about a lot for sale and wanted information. Ch. Marzullo forwarded that email to Zoning Inspector Wilson.

Ch. Marzullo stated some folks reached out to express their support for the text amendments but it was after the Trustees had voted.

Ch. Marzullo stated he again reached out to Jo Calabro to find out when they could sit down and they are both interested in getting additional board members to meet to discuss some sticking points for the BZA that the Zoning Commission can try to tighten up on their side.

Mr. Fischer asked if they could possibly discuss on October 28 when they have their meeting. Ch. Marzullo stated he would ask.

Ch. Marzullo stated there is training scheduled for the members of both Boards on October 28, at the Administration Building at 7:00 p.m. Ch. Marzullo stated that is not a required meeting but he strongly recommends everyone attending if they are available.

Ch. Marzullo stated they received some emails from Michele Crew regarding Sunshine Laws training, and he will distribute to the Board.

Ch. Marzullo stated they are looking for a Zoning Commission member for the Comprehensive Steering Committee. The Trustees are requesting that someone from the Zoning Commission is involved in the Comprehensive Plan Audit Steering Commission and that is a twice a month meeting. Mr. Manley volunteered to be on the Comprehensive Plan Audit Steering Commission.

Zoning Inspector Wilson stated they have a change of use for a house on Ridge Road under contract to be purchased, they want to put an office downstairs and a dwelling upstairs and Zoning Inspector Wilson stated he gave each member a copy of Section 7.5d and read the language of that section. Zoning Inspector Wilson stated they looked at that and it meets the criteria, however, this is a conditional use and will go before the Board of Zoning Appeals on October 28 (27). Zoning Inspector

Wilson stated he didn't think it was necessary to have a site plan review because all of this is within the house, there is no change to the lot or buildings. Zoning Inspector Wilson stated he just wanted them to be aware the meeting was taking place October 28 (27).

Mr. Fischer asked if the first floor use is a permitted use, and Zoning Inspector Wilson stated yes. Zoning Inspector Wilson stated it was exercise space, and that's why it's a change of use because it's going from a yoga studio to office space.

Trustee Burns encouraged everyone to support the bill regarding virtual meetings.

Trustee Augustine stated she is pleased that Mr. Manley will be part of the comprehensive plan process because of his knowledge and experience.

There was no further business or comments.

Ch. Marzullo entertained a motion to adjourn the October 7, 2021 Zoning Commission Regular Meeting.

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

The Zoning Commission Regular Meeting was adjourned at 7:59 p.m.

Judi Stupka, Recording Secretary

Minutes Approved: _____, 2021

Matt Marzullo, Chairman

Marcus Fischer, Vice-Chairman

Bruce Schneider, Member

(absent)
Michelle Crew, Member

Dave Manley, Member
