

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
July 6, 2023**

Call Meeting to Order

Chair Wetterman called the Brunswick Hills Township Zoning Commission July 6, 2023 regular meeting to order at 7:00 p.m.

A roll call of the board was executed.

- **Board Members in Attendance:** Mr. Kelly, Mr. McFarland, Mr. DeCastra, Mrs. Patricia Wetterman
- **Alternate Board Members as voting members** Mr. Berndsen
- **Board Members Absent:**
- **Others in Attendance:** Trustee Trica Murphy, Evelyn Czyz, Zoning Inspector and
- Linda Kuenzer, Zoning Secretary

Mr. Berndsen led the Pledge of Allegiance and moment of silence for our troops and first responders.

Mrs. Murphy swore in Jon McFarland and Tom DeCastra as new full board members.

APPROVAL OF THE MINUTES

Approval of the ZC May 4, 2023 Regular Meeting Minutes

Mrs. Wetterman asked if there were any additions or corrections to the minutes. Being none, Mrs. Wetterman asked for a motion to approve the minutes.

Motion: Mr. Berndsen moved to accept the minutes as written of the Zoning Commission Regular Meeting, May 4, 2023. Mr. Kelly seconds the motion. **Roll Call:** Mr.- Kelly-yes; Mr. Berndsen-yes; Mrs. Wetterman-yes; Mr. McFarland –abstain, Mr. DeCastra-abstain.

No minutes for June 1, 2023. Did not have a quorum so there was no meeting.

Mrs. Wetterman asked to change the order of the meeting slightly to attend to some Zoning business first. She stated that Mrs. Kuenzer had done some research on the text amendment process with the assistant prosecutor and she wanted to temporarily turn the meeting over to Mrs. Kuenzer to explain what she had learned.

Mrs. Kuenzer stated that at the May 4, 2023 meeting, the board had made some text amendment recommendations. Made a motion, voted on them, and they were sent to the Planning Commission and the Prosecutor’s office. Unfortunately, we put the cart before the horse on a couple of things. The Assistant Prosecutor sent a letter explaining why he did not agree with the one text amendment we sent regarding the noise that we wanted to change. If you look at the letter (I will include a copy in the minutes), he stated that this should not be in our Zoning, that we should “beef up” the noise ordinance for the Township. Let me preference this by saying, the comments from the Prosecutors office and the Planning Commission are “recommendations” only. Technically you do not have to agree/accept them. The Planning Commission stated that if the Prosecutors office does not agree or approve, then the Planning Commission does not either. One of the other documents you have is the Planning Commission’s response to what we asked for.

At the end of the letter from the Planning Commissions letter they stated that they “Disapproved the amendment on noise. The other two amendments were determined to be corrections to the Zoning

Resolution not requiring a review and recommendation”. So, we do not have anything else to do with those.

Back to the one that the Planning Commission and the Prosecutor’s Office would not approve, again they are “recommendations”. You could go through the process again, but I doubt that the result would be any different. However, it is up to the board to remove it from the Zoning Resolution like what was suggested, or change by resolution and the trustees and change what we have now in the ordinance, something the board needs to decide.

The other document I gave everyone was created to help with this process in the future. I sat down with the Prosecutor and went through the ORC (Ohio Revised Code) specifically ORC 519.12, to help develop a flow chart. We have new board members, I was new to this position, it’s something to help us in the future. The one step that we forgot was, right after the changes were voted on, the next motion that should have been made was one to set a Public Hearing date and time to discuss the changes. That is what we did not do. The clock starts ticking after the meeting where the changes were voted on and approved. You have no less than 20 days and no more than 40 days to schedule a public meeting. Because of when the meeting was and when we found out we had forgotten to do that, we missed the cut-off. So, I created this sheet for everyone to help us in the future with making text amendments. So we can get it right the first time.

Mr. DeCastras asked if a legal notice was posted. Mrs. Kuenzer replied no, because we never got to that point. But yes, there would have been a legal notice which would have had to be posted 10 days prior to the meeting. That’s what sparked this all in the first place. I couldn’t just place a legal notice without a meeting being scheduled.

Mrs. Wetterman asked if there were any questions. She asked if the board wanted to read over what the board recommended or just go with what was recommended by the prosecutor’s office. Mr. Kelly stated he would like to reread what was discussed, that way everyone has an opportunity to read it since we have new board members. The board decided to table the discussion regarding Section 303-12, C until the next meeting. Mrs. Wetterman would like everyone to have a copy of the Township Noise Ordinance and informed all that it was on the website along with a lot of other helpful information. Mrs. Wetterman thanked Mrs. Kuenzer for the work done on this matter.

Mr. Berndsen asked if we had the verbiage of how it was amended. The answer is yes, it’s in the May 4, 2023 minutes on page 3, Section 303-12-C.

CONTINUED BUSINESS: Zoning Certificate Expiration Dates

Mrs. Czyz had given everyone a list of the current expiration dates of Zoning certificates. Some certificates expire in 6 months, others in a year. She would like to see all the Zoning certificates expire 1 year after the date of issuance. Mrs. Wetterman asked where those dates were located. Mrs. Czyz stated they were on the applications. Hopefully when the applicant signs the application, they have read everything. Mrs. Wetterman asked what would need to be done to change them. Mrs. Czyz stated they would be text amendments. Mrs. Kuenzer asked for clarification, so it’s a text amendment? Mrs. Czyz stated yes, because you’re changing the wording.

Mr. DeCastras stated, so in Section 902-2, F says “Zoning Certificates shall become void at the expiration of six (6) months after date of issuance unless construction is started”. Mrs. Czyz stated, yes, but you have some that expire in a year.

Mr. DeCastras stated, that would be what we have to decide. Do we want to change everything to six (6) months or change everything to 1 year (12 months) and Mrs. Czyz would like to make it 1 year. Mrs.

Czyz stated that during COVID people were asking for extensions. There were shut downs, you could not get materials, everyone was asking for an extension.

Mr. McFarland asked if it was 1 year until construction begins? Is there an end date? Mrs. Czyz stated that as long as there is a shovel in the ground and dirt turned over, that's considered the start of construction. Mr. DeCastra stated that Section 512 – Signs would have to be modified as well as others.

Mrs. Wetterman stated that more research should be done to see what other sections that reference Zoning Certificates need to be changed and we will revisit it at the next meeting.

CONTINUED BUSINESS: Solar Panels

Mrs. Wetterman checked with the Building Department and they stated that there was no given weight. It depends on the structure. It was suggested that if people want to install solar panels, they should call the Building Department with the weight and what type of building they are in.

Mr. DeCastra stated he has eighteen (18) solar panels on his roof. The process for solar panels is quite rigorous. They did not do a weight analysis on my roof but before anything can happen, the County has to come out and inspect the electrical before they can flip the switch. The Electric Company has to do an analysis to see if they will even let you install solar panels. Also, the ORC does not allow a residential property to produce more than 120% of electricity than what their previous twelve (12) months of electricity was. This gives First Energy the right to refuse your plan before putting solar panels on, because you at that point would become a generator. There are already a number of limitations. Orientation of the house limits where the solar panels can go. If your house is east, west, or north facing then you are not going to get solar panels because the sun comes from the south. So, the orientation of the house limits how many solar panels you can have. Trees and surrounding structures limit the number of panels and their production. Production is great in the summer, but not so great during the winter. Mr. DeCastra also stated he wasn't sure if residential customers would come under the PUCO because they were controlled by the individual electric companies. However, they did inspect the transformer to make sure it was large enough to take the electricity produced yet not used that was being pushed back to the grid.

Mrs. Czyz stated she was at a training session on solar panels. The take home message was that customers should contact the PUCO. Mr. DeCastra stated that there are a lot of permits required. Mrs. Czyz discussed the weight of snow and how the panels affect the air conditioning in the summer. Mr. DeCastra stated his rooms that have solar panels actually are cooler in the summer due to the panels creating a shadow, thus making the room cooler. He also stated that there was no increase in heat during the winter. He did have to shovel his roof when snow exceeds 6". Mrs. Czyz stated the training also talked about yards and panels in the yards, open space and how panels would affect the area for pools, swing sets, accessory buildings, decks, side lots as well as concentrating on their (solar panels) weight and how it affects the building.

Mr. McFarland asked if there were safety issues that should be discussed due to the snow on the roof, especially for people who can't get up on the roof to shovel off. Mrs. Wetterman stated maybe we should discuss putting something in the book on an individual basis for solar panels. Mrs. Czyz stated she looked at it as then having variance, after variance, after variance. Also, many townships charge per panel which is something else to think about.

Mr. DeCastra stated that most people would not have room for solar panels on the ground. Again, there is permitting that has to be done (County, Electric Company, PUCO). Also kill switches in case of power outage. There's a lot of information out regarding solar panels. Commercial, agricultural, residential. approval.

Mrs. Kuenzer stated that the sheets that were made for the board members, were to assist with deciding what the board may want to add to our Zoning Resolution for solar panels. Make notes of the things that you like from the surrounding townships that have regulations in their Zoning Resolution, and then discuss possibly adding to ours. Since these will be text amendments and it is a long process, it is best to group these together and do them all at once.

Mrs. Czyz asked if we were going to address only solar panels not wind turbines. Mrs. Wetterman stated yes, only solar panels. Mrs. Czyz stated that the OTA, in their 3/17/23 magazine, had a small solar panel zoning application templet. Mrs. Wetterman asked if Mrs. Czyz would provide copies for everyone.

NEW BUSINESS:

Mr. Berndsen said he had been asked if there really was a McDonald's going in at the corner of Rt 303 and Marks Road. Mrs. Czyz stated they had just received a set of plans and she and Wes were looking them over, they had a list of questions for them and had sent them the list. For example, the ingress and egress. Was the ingress going to be off Center Road and the egress drive off Marks Road. At one point the Highway Engineers said they could have a drive off Marks Road for truck access into the businesses. Does that still hold true for the McDonald's? She is not sure, but told them to contact the County.

Mr. Berndsen stated what he heard because he lives there, was the McDonald's was going to go in front of Drug Mart and share the driveway with Drug Mart. His concern is that was going to be a mess for traffic trying to turn, going west on 303. Mrs. Czyz stated that we have no control over that. It is a PMUO (Planned Mixed Use Overlay). The rest of the land was land banked for use or parking. Drug Mart owns the land and if they say they can use it then they can. Mr. Berndsen stated he heard that the Brew Kettle is going into the old Riverstone building. They are adding additional parking there as well. Mrs. Czyz stated that is permitted as that's what the land was "land banked" for, for additional parking. Mr. Berndsen's other concern is the traffic continues to use the condo entrance to the left of Drug Mart as a cut-through, even though there are signs that say "Dead End", trying to avoid the intersection.

Mrs. Czyz stated that McDonald's will not come through the Zoning Board because it's a permitted use; no approval is required except from the Zoning office.

ADDITIONAL BUSINESS:

PUBLIC COMMENT: Mrs. Wetterman asked if there was any public comment.

ANNOUNCEMENT OF NEXT MEETING DATE: Thursday, August 3, 2023 @ 7 p.m.

MOTION TO ADJOURN

Mr. DeCastra motioned to adjourn the meeting. Mr. Kelly seconds. **Roll Call:** Mr. Berndsen-yes; Mr. McFarland-yes; Mr. Kelly-yes; Mr. DeCastra – yes; Mrs. Wetterman-yes. Meeting adjourned at 8:08 p.m.

Respectfully Submitted,
Linda Kuenzer, Zoning Secretary