

**Brunswick Hills Township
Zoning Commission Regular Meeting Minutes
August 3, 2023**

Call Meeting to Order

Chair Wetterman called the Brunswick Hills Township Zoning Commission August 3, 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. Wetterman
- **Alternate Board Members as voting members** Ms. Brunn
- **Board Members Absent:** Mr. Berndsen
- **Others in Attendance:** Trustee Trica Murphy, Evelyn Czyz, Zoning Inspector and
- Linda Kuenzer, Zoning Secretary

Trustee Murphy swore in Ms. Brunn as a new alternate member of the Brunswick Hills Township Zoning Commission.

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

APPROVAL OF THE MINUTES

Approval of the ZC July 6, 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. DeCastra moved to accept the minutes as written of the Zoning Commission Regular Meeting, July 6, 2023. Mr. Kelly seconds the motion. **Roll Call:** Mr. McFarland-yes; Mrs. Wetterman-yes; Mr. Kelly-yes; Mr. DeCastra-Yes; Ms. Brunn- abstain.

Mrs. Wetterman welcomed Ms. Brunn to the Zoning Commission.

OLD / CONTINUED BUSINESS

Text Amendment update – Section 303-12C; page 31.

Mrs. Wetterman said that Mrs. Kuenzer briefed the board on what the prosecutor said about noise section in the Zoning Resolution. The prosecutor stated we should not include anything regarding noise in our Zoning Resolution. We should “beef up” the section in our book. Mrs. Kuenzer stated that what the prosecutor said was that we should not have it at all in our Zoning Resolution and we should “beef up” the resolution that the Township currently has on noise, but not include it in Zoning. Mrs. Wetterman asked for clarification, that the prosecutor wanted us to take out that whole section? Mrs. Kuenzer stated yes. Mr. DeCastra also stated yes, remove it. He stated he had provided a document with a way to make the correction to remove it, yet keep something in case the law changes in the future.

Mrs. Wetterman motioned to remove Section 303-12 in the Brunswick Hills Zoning Resolution, subsections A, B, C, page 30 & 31 of 124. Ms. Brunn seconded. Mrs. Wetterman stated this would also require a public hearing, actually the whole process.

Mrs. Kuenzer stated keep in mind if you do that at this time, the clock starts ticking. A public hearing is required not less than 20 days and no more than 40 days. We are trying to group the changes to the Zoning Resolution and do them at one time. We will keep a list of the changes and then do them all at one time. Mrs. Wetterman asked the board if they were agreeable to that. The board agreed.

Mrs. Wetterman withdrew her motion.

Solar Panel Regulations:

Mrs. Wetterman said the board was going to begin talking about “setbacks” and such.

Mrs. Czyz asked if she could ask a question about the noise resolution before they went on. She asked about fireworks being included in the noise resolution and that fireworks were now permitted. Mr. DeCastras stated that that was a Township resolution and issue, not a Zoning issue.

Mrs. Wetterman asked for recommendations on set ups for solar panels. Suggestions?

Mr. McFarland had some issues to take into consideration:

- Variable roof heights and roof lines regarding solar panels
- Accessory component locations (with multi-tenant properties) and landscaping
- Safety measures for ground mounted solar panels
- Glare and reflection (distance)
- Snow loads and snow hazards
- Advertising (stickers or size of label)
- Freestanding/ground based – height statement regarding here we are measuring from.
- Wiring
- Ground coverage (how it is measured)

Mrs. Czyz stated that regarding glare, the FAA may have something to say about it.

Mrs. Czyz also stated that signs are permitted in front yards (real estate signs, campaign signs), they cannot regulate size or content. She also stated that non-residential signage is regulated differently. Recently lighting is allowed on non-residential signs.

Mrs. Wetterman said that the HOA’s may have their own regulations.

Mrs. Kuenzer stated that in previous discussions on solar panels, we looked at the regulations from Hinckley, Westfield, Wadsworth, and Guilford. I had pulled out topics for discussion. You can look at the different sections from other townships and use their language, or make changes to what you would like it to be, but you would not have to recreate the wheel. Ms. Brunn said we can use the wording, correct?

Mrs. Kuenzer stated yes, or whatever you may want it to be.

Mrs. Wetterman stated we can go through the documents and see what they like and start there.

Mr. DeCastras asked what the desire was to regulate this or where it came from? Mrs. Wetterman stated that it came from the County, they passed it down to them. They had given us a document which she will find and give him a copy. Mr. DeCastras said that would be great as it would give them a better understanding about what the County was requiring, especially if there have been no complaints.

Zoning Certificates:

Mrs. Wetterman stated the next thing we need to look at is Zoning Certificates. Some expire in 6 months, others in 1 year. Did everyone look at the list of Zoning Certificates?

Mr. DeCastras stated that he found only 2 other sections that contained certificates, Section 902-2F and Section 502-B1 (Real Estate signs).

Mr. McFarland stated in Section 902-2F, when we previously discussed what “construction” meant, it was said that it could be a post in the ground. Then things could be left like that forever. Should we add benchmarks, like preparing the ground 10%, pouring the concrete is 20%, buttoning up the project is

50%. They must meet different benchmarks before the certificate expires. This would rule out running out of money, or something else coming up.

Mrs. Wetterman asked if this should be something we should include in the book? Ms. Brun said yes, if there is not a time frame stated for completion. Something to state what is considered “starting” if they put a post in the ground. Mr. McFarland stated that the builder can outline where his project fits in with the benchmarks and then we can decide whether it’s acceptable.

Mr. DeCastra asked if there is any recourse if not met. Mr. McFarland stated if there was a performance bond or escrow account. Mrs. Czyz stated we cannot require that. That was for a Home Rule Township. Mr. McFarland asked if we did not have it or require it. He stated we do have it in our Zoning Resolution. Mrs. Czyz stated she has never done it. It was never done by the previous Zoning Inspector nor when she was on the Zoning Board. Mr. McFarland then asked if we should remove it from the Zoning book then.

Ms. Brunn asked if there were a lot of issues with people pulling permits and then not doing anything with them? Mrs. Czyz stated that Zoning does not go back and check. Wes goes out and makes sure the site is marked, that is what he checks, but after that we do not check for post holes or anything like that. If they require a building permit, the Medina County Building Department does the inspections.

Mr. DeCastra stated that Mr. McFarland was correct regarding the Performance Bond. Mrs. Czyz says it has never been acted upon.

Section 402-6-5-J; Page 45/124

Bonding of Required Improvements

A performance bond or other financial guarantee as approved by the Township Trustees and the Township's legal counsel shall be placed on deposit with the Township to ensure that the landscaping, hard surfacing of private streets, drives and parking areas, improvements within public rights-of-way or easements, water lines, sanitary sewer lines, storm sewers, and surface water drainage, and other improvements integral to the proposed project shall be installed in conformity with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements, based on an estimate certified by the applicant's design engineer and approved by the Township, and shall be for a period not to exceed two (2) years and provide for the complete construction of the improvements within that period. Where performance guarantees are provided to other public agencies, such as the Medina County Sanitary Engineer or the Medina County Engineer, for certain improvements, such arrangements shall be deemed to meet the requirement of this provision for such improvements so that no dual bonding of specific improvements is required.

Mrs. Czyz said the permits would be monitored by the Medina County Engineers Office.

Mrs. Wetterman asked if it would be beneficial for the board to have someone from the Building Department to come out and talk to the board about time frames and permitting on their end. The board agreed.

Mrs. Wetterman asked Trustee Murphy to get approval for a training session for the Zoning Board members as well as the BZA members if they would like to attend.

Mrs. Wetterman stated we will need to add new definitions to our Zoning book for solar panels and such. Mrs. Czyz stated she has a book of definitions used for Zoning. **The Complete Illustrated Book of Development Definitions; Harvey Moskowitz, Carl Lindbloom, David Listokin, Richard Preiss & Dwight Merriam.** The authors are certified planners, who work in all areas of development.

Mrs. Wetterman stated the reason she brought up definitions is that the OTA had come out with solar panel definitions for Townships to use. Mrs. Wetterman said she would get copies to the board members.

Mr. McFarland questioned Section 904-7, Page 112, that the Zoning Inspector may request professional services for assistance. Mr. DeCastra stated that would have to be approved by the Trustees.

Mr. McFarland asked if contractors ever used CAD drawings. Mrs. Czyz stated no, they do not use electronic versions, they use paper copies.

Certificates:

Mr. DeCastra stated he made a recommendation to move forward with changing the expiration dates on the Zoning Certificates that had a 6-month expiration date to all Zoning Certificates having a 1-year expiration date. We will add this to the list of amendments that have to be made.

Mrs. Wetterman asked how that is monitored? Mrs. Czyz stated there are dates on the certificates. Mrs. Wetterman asked how the zoning office monitors those dates? Mrs. Czyz stated that when people come in for a zoning certificate, they want to do it. Most of the problems have come from pools. During COVID staffing was low, materials were unavailable so in a discussion with the trustees, leeway's were granted. Mrs. Wetterman said she understood, but wondered if there was a system to monitor it. Mrs. Czyz stated that Wes would have to keep going back and forth and would not have time for office hours so they do not have a system to monitor the date.

NEW BUSINESS:

Review Section C1, C2, C3; 408-1; page 66. Conditional Zoning Language. Purpose under C2.

Mrs. Wetterman stated that there is a sentence that reads *“This district must be located in areas which have access to public water and sanitary sewer services and to major roadways.”*

Mrs. Wetterman stated that C1 and C3 do not have that statement, only C2 and wanted to know what the difference was. Mrs. Czyz said that some things are permitted, some not permitted. It had been that way since before she was there and had no idea why. Possibly because C2 was more rural and a change never materialized. Mrs. Wetterman stated a change to the wording could be made which would require a text amendment. Mr. DeCastra asked if there are currently any C2 districts that do not have sewers. The answer was yes. Mrs. Wetterman stated we currently have an issue in the township regarding this matter.

Mrs. Czyz stated however even though there is an issue, until that text amendment goes into effect, it would take an additional 30 days until the text amendment is enforceable. Mr. DeCastra questioned that in existing C2 areas that do not have sewers, there is no enforcement because they are grandfathered in and already in existence. Correct? So, there would be enforcement only if we are modifying the map and creating a new C2 district. So would we be comfortable with a commercial district that does not have a sewer system. Mrs. Wetterman stated there are already areas that do not have sewers.

The discussion continued how changing the wording of the section would affect new and old structures within the C2 area and the interpretation of the word “access” to public water and sewer. At the end of the discussion the discussion was made to not change the wording.

ADDITIONAL BUSINESS:

Mr. Wetterman stated that in the Zoning book in several places that describe Site Development Plan, Site Plan or Development Plan and she asked Mrs. Czyz what the difference was. Mrs. Czyz stated that a Site Development Plan is here is a piece of property, this is what I plan on putting there and here is the proposal for development. A Site Plan would be this is what we would like to build or whatever they want to do with it. She would look at it, this would be the difference between formal and informal, so when it is presented, it is a clean copy. Mr. McFarland stated that the terms then could be used interchangeably. Mrs. Wetterman stated she wanted to know the difference because those came before the Zoning Commission and thanked Mrs. Czyz for the information.

Mrs. Wetterman thanked the board and said she felt that the meeting was very informative and good discussions.

PUBLIC COMMENT: Mrs. Wetterman asked if there was any public comment. No public comment.

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

Homework for next meeting is: Definitions for Solar Panels and Solar Panel language for Zoning Resolution.

MOTION TO ADJOURN

Mr. DeCastra motioned to adjourn the meeting. Ms. Brunn seconds. **Roll Call:** Mr. Kelly – yes; Mrs. Wetterman-yes; Mr. McFarland-yes; Mr. DeCastra-yes; Ms. Brunn-yes. Meeting adjourned at 8:20 p.m.

Respectfully Submitted,
Linda Kuenzer, Zoning Secretary

Patricia Wetterman, Chair

Date Approved 9/7/2023