

**Brunswick Hills Township Board of Zoning Appeals
Public Hearing Meeting Minutes
Township Hall
June 5, 2024**

Call Meeting to Order

Vice Chairman, Mr. Timura called the Brunswick Hills Township Board of Zoning Appeals Public Hearing meeting for June 5, 2024 to order at 7:00 p.m. A roll call of the board was executed.

Board Members in Attendance: Ann Barron, Ron Wetterman, Cliff Kersten, Gregg Timura

Alternate Board Members in Attendance:

Others in Attendance: Trica Murphy, Trustee, Evelyn Czyz, Zoning Inspector, Matt Payne, Fire Inspector, Linda Kuenzer, Secretary.

Applicant came up to the podium.

Mr. Kersten stated: Under the law, I have to explain something to you due to the fact we have a quorum, but we only have four people. So, you have choice requesting a continuance to a meeting where we will definitely have five people. That is your right. Do you wish to have your case heard tonight or do you wish for a continuance?

Mr. Bradley Hoffman stated: I'll hear tonight.

Mr. Kersten stated: If the board votes two to two, a tie vote, that's a no vote against, and you would not get your conditional permit, just so you understand that.

Mr. Bradley Hoffman asked- What's the ability to appeal that?

Mr. Kersten stated: There's no ability to appeal it. You're making the choice tonight whether you want to continue under these conditions. Mr. Kersten asked Mr. Timura to read the Ohio Revised Code

Mr. Kersten read “Brunswick Hills Township Board of Zoning Appeals acts within regulations of section 519 of the Ohio Revised Code”

Mr. Kersten stated The Ohio High Revised Code says this is the way to read. This is what we work under and we have to go by. So, there is no appeal. The only thing that stands right now is your decision to continue or not to continue.

Mr. Bradley Hoffman stated: I'll continue. Mr. Kersten confirmed and stated are you sure you're going to continue? And Mr. Bradley Hoffman stated yes

APPROVAL OF MINUTES

1. April 3, 2024 Regular Meeting Minutes

Mr. Kersten stated we have the minutes to approve from April 3, 2024

Motion: Mr. Kersten moved to approve the minutes as written for the April 3, 2024 regular meeting. Mr. Wetterman seconds.

Roll Call: Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes; Mr. Timura- yes.

APPROVAL OF DECISION LETTER

Decision letter from May 11, 2024- 4990 Whetstone Drive, 9-foot height variance for accessory building.

Motion: Mr. Kersten moved to approve the decision letter as written from May 11, 2024. Mr. Wetterman second the motion.

Roll Call: Ms. Barron-yes; Mr. Wetterman-yes; Mr. Kersten-yes; Mr. Timura- yes.

Mr. Kersten stated that nobody is permitted to talk to one another in the audience. If you come up to testify you may speak. All questions should be addressed to the board. If rules are not followed you could be asked to leave the meeting.

Mr. Timura swore in zoning inspector Mrs. Evelyn Czyz. Mr. Timura also swore in Fire Prevention officer Mr. Matt Payne.

NEW BUSINESS-PUBLIC HEARING

Bradley Hoffman 916 Pearl Rd, PP# 001-02A-250-47, Zoning 2

Conditional zoning application per section 408-2, to section B10. Continuation.

Bradley Hoffman was sworn in. Bradley Hoffman stated his name and address as 8033 Edgerton Road, North Royalton, Ohio.

Mr. Bradley Hoffman stated: I'm seeking a conditional approval for a garden supply center plan for 916 Pearl Rd and the resale of aggregate, topsoil, straw and mulch.

Mr. Timura stated that he did see he went through the Zoning Commission and that they did give a recommendation for approval. We are looking for a conditional zoning approval on this.

Mr. Kersten, stated you have no concrete, or stone in your yard?

Mr. Bradley Hoffman stated: up until Friday of last week, we were able to have the weather cooperate enough and we brought in just shy of 1700 tons of aggregate gravel. So, it's now covered completely.

Mr. Kersten stated that: What I was concerned about was if you get big trucks in there, I understand you're not going to manufacture mulch. You're going to have semis. Mr. Bradley Hoffman stated: Correct. Mr. Kersten continued: If we got like two or three days of rain, I was concerned about Pearl Rd getting all messed up. And if you had equipment to clean Pearl Rd, if that should happen.

Mr. Bradley Hoffman stated, we do have equipment to clean it if necessary, but again, the entire driving services are now covered in aggregate.

Mr. Kersten stated: And one other question I had, what have you done about the illegal fuel tank you have on the property?

Mr. Bradley Hoffman stated: Once I found out there was a section in the Ohio Fire code that referenced 660 gallons of fuel. It was my assumption that if you had less than 660 gallons of fuel, it was permitted, after talking with the Fire Chief and several other individuals I found out that was not the case, and that tank was immediately moved off site. It's no longer there.

Mr. Kersten stated: The reason I ask is that the fire department sent each board member a letter on that fuel tank. Mr. Bradley Hoffman stated: yes, in fact, I could actually go back to look and bring up the date and time that I sent Chief Strazzo a text to let him know that the tank was off site. That was a number of weeks ago. Three, maybe, well since the last zoning commission hearing.

Ms. Barron stated: I'm sorry, I don't know your business. So aggregate is sand and gravel?

Mr. Bradley Hoffman stated: Correct. Sand, gravel, no sand though. It's going to be, wash gravel, 57s. The common size rocks that landscapers and contractors use for driveways or patios and things like that.

Ms. Barron stated: I thought last time you were talking about producing mulch, but now you are saying you're not producing mulch

Mr. Bradley Hoffman stated: I have never once entertained a thought of producing. I can promise you I have no interest, desire, to make mulch. Just want to resell it. Just sell it. That's it. We're waiting to enter a contract with the Barberton Tree Service. They have a division called Mulch Makers and they're going to be our supplier.

Ms. Barron stated: Okay. And we're only selling it to large companies? Do we have parking? Because you guys provided a different site plan than we had originally been handed. Where's the public parking?

Mr. Bradley Hoffman stated: Actually, now that I'm looking at that, that may have been an oversight. Probably talked about it, but apparently it didn't get put in. You're looking at the small one.

Ms. Barron stated: Well, it should match the larger one, although one of the comments from the Zoning Board was that they have the same drawings.

(Site Plans were looked at)

Mr. Bradley Hoffman stated if you look where it says existing LED flood lighting, this area up here will be for customer parking. Mr. Timura asked: Roughly how many parking spots are there? Mr. Bradley

Hoffman stated, it should be five. I don't anticipate a whole lot of pedestrian traffic, I guess you could say.

Ms. Barron asked: How large is that area that you're interested in parking in?

Mr. Bradley Hoffman stated It would be approximately 50 X 20.

Mr. Timura stated: You said about five? Mr. Bradley Hoffman stated: Correct. Mr. Timura continued: Okay. So, Memorial weekend is obviously a really big weekend to do mulch. I myself went down to Smith Brothers to get mulch. There're times I've been down there where the trucks and the trailers are almost coming out to Marks rd. Mr. Hoffman stated: Understood.

Mr. Bradley Hoffman stated: Overflow would be down here, down this dry vital that's double wide. And then, you can see down here, this is all gravel where customers can come in for overflow and turn around and wait.

Mr. Timura stated: So you do have, so it would come in and kind of wrap around and come back? Mr. Bradley Hoffman stated: Correct.

Mr. Timura stated: Alright. And has anything been addressed at the last meeting, Fire Chief Strazzo had brought 10 different conditions, comments. Has any of those been addressed, considered. Mr. Bradley Hoffman replied: I haven't seen them.

Mr. Kersten stated: The fire department has submitted to the court over 10 conditions and I will have the representative of the fire department testify which ones they would like to have, conditions they would like to add to the condition. If any.

Mr. Kersten continued: The conditions that he's going to read off are submitted by the Chief of our department, Anthony. So just so you know who they come from.

Ms. Barron stated: So, I'm kind of hung up on this parking thing, because I just wanted to be safe. You guys go out to inspect that? I guess to pull...before he put the parking spots in for the public to use?

Mrs. Czyz responded: It's identified in the zoning resolution. Yeah. (How many parking spaces etc.)

Ms. Barron asked So, is somebody going to check that and make sure it's safe and has the appropriate materials?

Mrs. Czyz responded: We do not check for that. The materials, nor if it's going to be at an angle or if it's going to be straight parking.

Mrs. Barron asked: What would you check the appropriate number of spaces? Mrs. Czyz stated: the appropriate number, and there is in most cases, not here so much, but in handicapped spots.

Mr. Bradley Hoffman stated: And if I might continue on the parking thing right now, we've got two different projects going on. We've got the vehicle and equipment parking. That's for the tree service specifically. And in that, it's an office area that's being constructed between the existing building and the new building. You can see that's in the right there, Close lower height connector, which is a office area. This has all been already previously approved. The plan, and you also see right here, existing 20 X 20 temporary building. That temporary building is going to serve as a temporary office while the construction and the contractors and everybody else finally make it to put this building up. Once that's complete, there will be angled parking along the north wall of the existing structure, which makes it easily accessible, and out of the traffic line into the office. But until the construction is complete, and in the interest of getting everything open, the parking will be in front of the existing structure.

Mr. Kersten stated: That temporary structure that you're going to put up is going to be in front of other buildings?

Mr. Bradley Hoffman stated: It's already there, permitted, and we have an occupancy forward. It's currently located where it sits on the site plan, just to the north side of the existing building.

Mr. Kersten stated: Because I believe that you cannot build a building in front of other buildings on that site.

Mr. Timura asked: So, the parking will be to the north of where the existing structure is at? Mr. Bradley Hoffman responded: Correct. There'll be about five streets.

Mr. Bradley Hoffman stated: The existing 12 X 20 will at that point be removed off site. And that's where the parking will...

Mr. Timura stated: Oh, so the parking won't be to the north of the existing structure. The parking will be where the existing structure is at now?

Mr. Bradley Hoffman stated: The existing structure is going to be permanent. That's a building that's already been there since 1920. That small rectangle in front of it says existing 12 by 20 temporary building. That temporary building will be removed. And that is where the parking is going to be permanent.

Mr. Timura stated: So, based on what I'm looking at here, how much depth north to south you're going to have to have cars parked and then other vehicles if there's needed for over flow or trucks to come through wine in front of that. Mr. Bradley Hoffman replied: There's a total of 40 feet. Mr. Timura stated: That was a requirement for the depth of a car length and yet still have access back.

Mrs. Czyz stated: Because you have variable sizes, you've got the little cars that are just a few feet yet you have your regular cars. I have no idea. If you get to focus on the area, it's under parking.

Ms. Barron stated: I'm looking at the smaller. Assuming this is accurate as I see last time you guys were here, we talked a lot about like landscaping for aesthetics but also to minimize dust or anything for the

people next door. The ice cream area across the street. So, I see a lot of trees here, which is awesome. Or bushes, according to what kind of symbol it is. No fencing is going in? Mr. Bradley Hoffman stated: No. No fencing and the reason being, everything's uphill as it is. Everything on the west side of Pearl Rd is an uphill drive onto the street. If you put anything higher than 2 or 3 feet, you're going to block visibility and it's going to just cause accidents.

Ms. Barron stated: So, I guess that's probably why they have these as shrubs? Mr. Bradley Hoffman responded: Correct. They're lower. There's still going to be a barrier. But in the interest of visibility pulling out Pearl Rd, we chose to go that route.

Fire Inspector Matt Payne stated: I attempted a few years ago to inspect your present barn. You told me that was your dad's private barn wasn't part of the business. Is that part of the business or is that not part of it?

Mr. Bradley Hoffman stated: That is still correct. It is not part of the business but it's still private.

Mr. Matt Payne asked: When the new buildings built, is it going to be part of the business? How can you have a commercial property attached to another barn that's not part of the business? Mr. Bradley Hoffman stated: It's not attached.

Mr. Matt Payne asked: The new building won't be attached? Mr. Bradley Hoffman responded: There's a firewall in between.

Mr. Matt Payne stated: Okay. You said you got an occupancy for the barn for the shed?

Mr. Bradley Hoffman replied: Yeah. Mr. Matt Payne stated: Okay. Before that could be open to the public. I have to inspect that. I don't know if you're aware of that. And then you got the email from Chief Strazzo about the conditions, our conditions here?

Mr. Bradley Hoffman stated: I've got, yeah, I never got the email but I'm seeing it here. Okay.

Mr. Matt Payne asked Evelyn Czyz: Can you have a private barn on a property with the commercial barn?

Mrs. Czyz stated: Sure. As long as they are using it for commercial use or some, you know, something, all they have to do is have one piece of equipment in there. We don't go into the barns.

Mr. Matt Payne stated: Correct, but you could have a private barn on commercial property. Mrs. Czyz replied: Yes. You could have an accessory building on a commercial piece of property.

Mr. Matt Payne asked: So, the barn will be, the old barn will be an accessory building or will it be a main building? Mrs. Czyz responded: It's an accessory building, yes. Ms. Barron asked if it was an accessory to the main building?

Mr. Matt Payne asked: What is the guideline for separation on a two-building zone?

Mrs. Czyz responded: I would have to look it up.

Mr. Bradley stated that if it would make things easier, then we could consider all of it in the interest of moving forward.

Mr. Matt Payne stated that at that point... I would consider it all commercial property, yes.

Mr. Bradley Hoffman stated Well, actually, that's how we have to define it. That's certainly not an option. I mean, not a problem.

Mr. Matt Payne responded- That's what I need to find out from zoning.

Ms. Barron asked if this was the private barn? And Mr. Bradley Hoffman stated correct, that's the existing structure and that it's a private barn, maybe changing to commercial.

Mr. Matt Payne confirmed that number one has already been addressed. And stated:
So, no sales will occur until the... So are you talking about number two? I would say he's talking about the shed that night you put in place. So, it can't have any sales until the fire department inspects. And I know a lot of this stuff, like the piles of material not to exceed 15 feet, years ago, from my understanding, these are the same requirements that Madden Brothers had. I don't know if anybody was here for when they put that in, but these are the same requirements that the board approved. Containment blocks from mulch at higher than six foot. I think that's what comes from the county. That's actually a building code.

Wire your basket's not to be stacked, higher than 12 foot, so that's three baskets high. No grinding. I already said you're not making any of your own material. Correct? Mr. Bradley Hoffman responded- Correct.

NBN compliance with the noise conditions of section 801-2. No large trucks to be parked in a setback area. I don't think that's probably possible the way you got it set up. Plant sales, I know last meeting I was, you're not going to do that at all now? Because I know that was mentioned.

Mr. Bradley Hoffman stated- Not at this time. We may revisit that in the future and come back for another conditional premise. Selling plants, but this year we're just trying to keep this opened up.

Mr. Matt Payne stated- Okay. Treating wetting materials must be in compliance with EPA guidelines. And then, did you put aggregate down in front of all your bins or is that still dirt?

Mr. Hoffman stated- It's actually, well from over the years, there's asphalt below that. But from over the years the trucks driving in, it got dirt. Okay. It's a matter of trying to somehow figure that out. Mr. Matt Payne asked- are you going to clean that off or put aggregate over that so there's no dust? Mr. Bradley Hoffman responded- Yes. One way or the other we'll make that happen. In fact, I've been in three different conversations this week alone with Doug from Medina Excavating discussing our options for the area in front of the barn, in the mulch area. Now the back is finally being completed.

Mr. Matt Payne asked- Are we able to get an engine in there and turn it around?

Mr. Bradley Hoffman responded- Yeah, there's no problem though. We've been bringing them. We had over Friday and Monday, we had over 300 semis in there bringing stones. There's no problem with a fire truck.

Mr. Matt Payne stated, Yeah, we just need to get some kind of ruling from zoning on the existing barn.

Mrs. Czyz stated I asked Mr. Hoffman if the accessory building was a new building. The response was no. And I said I just have reference from 1920 on forward. So, this could have been there years and years and years before.

Mr. Matt Payne stated, you're correct it is, but now it's a commercial property. It was never a commercial property, but it was never commercial sales or we weren't permitted to inspect it because it was not commercial. It was private. So, how's that barn relate to the new barn going in? Can you have the zoning allowed on a commercial setting? Does it allow a private barn? Or has it got to be all commercial?

Mrs. Czyz responded: Okay, and you know that for a fact, how? How that was not commercial.

Mr. Payne responded, I was never allowed to inspect it. Brad told me quite a few years ago that it was his dad's personal property and it was not to be inspected. So I honored his request, but now we're looking at something different.

Mr. Bradley Hoffman stated- none of our operations are going to change. We don't work out of that building as it is and there's no room or enough space in there to do anything we want to do as far as parking here. We're not going to be doing anything in there that warrants it being considered commercial. However, if that's in the best interest of moving this way, we're not going to be doing anything.

Mr. Payne stated: I thought originally you said they were going to be attached.

Mr. Bradley Hoffman stated- No, because after our meeting, fire station requiring a firewall and things like that. Mr. Payne asked- You decided not to do it? Mr. Hoffman responded- Well, there's no possibility of actually physically attaching the building. So, after talking with the architects and your recommendations on the firewalls and things like that, it was easier to just...

Mr. Payne stated- Yeah, because I was going to put you over to square footage.

Mr. Wetterman stated- confirmed that with the existing building, there's no customer traffic out of that building. Mr. Hoffman confirmed- That is 100% correct. There is not now nor where will there be.

Henry Hoffman was sworn in. Stated he is the owner of 916 Pearl Rd, along with his wife. He stated- The building that you're talking about, I'd like to... Or the two buildings that you're talking about, I just would like to bring to your attention that we have been over this back in January and the zoning certificate for the existing... The new building was issued on 1/11/2024. So, all of the discussion about the existing building and the new addition building kind of confuses me considering that we're here tonight. I thought to talk about the mulch business. The building and again, some clarification. The zoning certificate was issued for those two buildings. And again, historically, the building has been here at least since the

1920s. From 1960 to 1965, it was used as the Brunswick Hills Fire Department. That was the original fire station. Some of the addition that was put on that and taken down was taken down because it was, at the time, poorly constructed. But there was a period of time where that building was used as a commercial building, and I believe that was back in the early 1970s.

I was in the service at the time, so I can't address specifically when. But I do know that the county required that sewer be put into that building. So there is a sewer line and a toilet connected. And that was put in, again, my understanding was because it was being used as a commercial building at the time. I believe it was a motorcycle shop for a very, very short period of time. But because of the fact that there was an outhouse there and so forth at the time, that was all it was required to be converted. So that building is not part of really what we've talked about since January. It exists on the property. It does belong to me. It is not part of Hoffman Tree and is not going to be part of the building supply business either. It's basically private use. It's the place where I park my tractor. I park my mowers. I use some of my own mechanical work in there, but it is not being used in any respect for Hoffman Tree or the most business.

Mr. Kersten stated- You just said you park your equipment in there when they could be considered. The equipment that you're parking in there, are you using it on your business? Mr. Henry Hoffman responded- No. That's my personal, that tractor belongs to me. It was used way prior to when the Hoffman Tree service moved in. It is not used for Hoffman Tree. Hoffman Tree has their own equipment. And yeah, it's a division that we have.

Mr. Payne asked- When did you change that it wasn't going to be attached? Because I don't think we were made aware of that at all. That it wasn't going to be attached. I'm on sort of puzzle on.

Mr. Henry Hoffman stated- I think probably when the question came up about whether or not it was physically attached and the measure came up about firewalls. It's going to be right set right up against the building. There is going to be a division. I believe the plan shows a walkway between the two buildings. But the walkway is strictly for egress and entrance for access to the back building. But it has got nothing to do with the business itself. It's just an additional entrance or an exit. Considering that there is a door in the back now that years ago was closed off. It's really not any different than what exists right now.

Mr. Panye stated- Yeah, I don't think we were made aware of the change. That's why I had the questions that I have.

Mr. Bradley Hoffman stated- As my father stated, all of the building construction, the building pad, the grading, the EPA permits, all of that has been in place permitted. And that's why we're counting your due right now for the actual structure. The building we're waiting on our foundation plans to come back as approved so we can start with that construction. We're here tonight as the conditional permit for the garden supply center. All of the building that you see on the plan has already been approved. We're focusing on the garden supply portion of this. All the other stuff has been approved and we're under counting your due right now for the blueprints and things like that should be coming back rather quickly.

Mr. Kersten stated- We had your question there. Whatever the laws are in the zoning laws, fire laws or anything that runs in Brunswick Hills, that has to be what's going to take place.

Mr. Bradley Hoffman stated- I don't disagree. I had a conversation in a meeting with both Chief Strazzo and Mr. Payne in regard to set fire walls and what we need to construct to remain compliant. And we have, we made those changes with the architects and again those are out of the county.

The group asked if there are any other questions from the audience?

Mr. Robert Cibula was sworn in. 961 Spring Hill Court, stated he is here to represent St. Ambrose Parish which is at 929 Pearl Rd, directly across the street from the property that you're discussing. And we're not advocating for or against your approval. What we are asking though is that the plans that you're considering.

Mr. Kersten asked- Are you representing St. Ambrose as a parish or a priest or so-called?

Mr. Cibula stated- I'm a member of the leadership team of the St. Ambrose Parish Company. Mr. Kersten asked- And you are testifying for who? Mr. Cibula responded- Father Robert Steck. Mr. Kersten responded- Why is not he here?

Mr. Cibula stated- He is attending to his 19,000 parishioners and asked me if I could come in and speak. Mr. Kersten stated- There's a problem, you're going to testify what Father Steck wants. But we can't question Father Steck. So the only thing you can testify is what you want, not what St. Ambrose wants.

Mr. Cibula stated- fine. Then what I would like to see is the plans that you consider have an appropriate streetscape plan for a main thoroughfare going through Brunswick Hills. Pearl Rd and 303 are really two main thoroughfares and appropriate streetscape would be what I would like to see. That's my entire reason for attending.

Mr. Timura stated: Explain a little bit further what you think about appropriate streetscape.

Mr. Cibula stated- I'm not sure what the plans say. And I wouldn't be able to read them if you showed them to me. But what type of landscaping is going to be on the property? What is it going to look like? Will the look of the property be appropriate? Is it sufficient for your judgment? I'm not suggesting what it should be. I'm asking that you consider what you think it should be.

Mr. Wetterman stated- I think that is possibly already been addressed by the Zoning Commission itself. Mr. Cibula stated- It may be.

Mr. Kersten stated- I would address the Zoning Commission itself with those questions. We are separate. Mr. Cibula responded- Okay.

Mrs. Patricia Wetterman was sworn in, 1085 Substation Road, Brunswick Hills, Ohio. She stated- I would like to mention that it has been before the Zoning Commission and anything that has been declared for decorating the property and making it acceptable has been addressed by the Zoning Commission already.

Mr. Kersten confirmed- So you're saying that the Zoning Commission has approved everything on Pearl Road.

Mrs. Wetterman stated- We looked at the plans that have been submitted and everything else met with approval of the Zoning Commission.

Mr. Bradley Hoffman stated- would like to just comment on what the gentleman up here had referenced that he's here and representing the entire parish of St. Ambrose. I'd like to read an email to you dated April 22nd, from a gentleman named Jake Bahari, who is the parish life and development administrator at St. Ambrose Parish.

The first line in this email, hello. I hope you're doing well. We're excited for the mulch and landscape yard! After that, the email is in regard to some charitable donations, the events I've done with them as far as golf outings, ball drops, and a community partners program that he's referencing in this email. But I just wanted to go on record to say that the entire parish, I guess, isn't or doesn't share his opinion.

Mr. Kersten stated- I'll make a comment on what you're saying. It was said at the last meeting and said again that representatives from St. Ambrose were representing 19,000 parishioners that didn't like what you were doing. And that's not the truth because I'm a parishioner. I've talked to a lot of parishioners, my family, and everything. We haven't been contacted by anybody about it. So, they're not representing. Those speakers are not representing 19,000 people. We're not taking it into consideration that they're representing 19,000 people.

Mr. Bradley Hoffman stated-Thanks, sir.

Jim Rosati was sworn in, 922 Pearl Road, Brunswick. He stated that he and his wife own Rosati's Frozen Custard next door to the Hoffmans. We just want to make sure we protect our business and our investment in the Brunswick community.

And I just want to clarify some points for the record from the Hoffmans. I know that Brad did talk about the driveway and I did see all the stones falling back there. But he did question about the front parking area. But he did bring up that there will be... Now it is dirt and everything, but it will be stone, as he said, so that answers that question I had. The concern we have is about odors coming from the mulch, when its turned and when its delivered.

Our hours of operation are going to be included. We're going to extend and I know Brad said he's going to be open through the day, seven days a week. And he did say he's going to try to get early morning deliveries, but he can't guarantee that. So again, with the dust, my question was, will there be a permanent water supply present before he opens? To be able to control the future dust. And as far as the question on the fence, I know we brought up the fence. The first time we met here in the Zoning meeting, he's right about the fence being a block point. When the cars pull out, that's about the last 20 feet of the driveway.

We would request some kind of block more than a two or three-foot high shrub. Probably from the point of... probably in line with where his mulch beds are back to where the existing farm structure is now.

Maybe about 40 to 50-foot section of fence. That would encompass blocking any of that southeast direction of the 12 or 15-foot-high mountain mulch. The problem we had to concern with, again with the odors. And the water would definitely help control that.

If there are any concerns after the business is open with the odors or the dust, is there anything that the Township does about that to verify it's being controlled? Or is that strictly... what is my course of action? Is somebody in the city of Brunswick Hills? Or just between us and neighbors?

Mrs. Czyz asked Mr. Rosati- Your parcel, Is it in the city of Brunswick or in Brunswick Hills Township? Mr. Rosati stated- In the city. Have you ever thought of possibly putting up a fence? And that would be an option. You know, just as you're suggesting to the Hoffman's.

Mr. Rosati asked- Would that affect at all the swale or anything? I'm in property where it is.

Mrs. Czyz stated- If it is on the Township property, then you would need to contact or Mr. Hoffman would need to contact. You'd have to talk to stormwater management and that's down in the county. Mrs. Czyz stated that a permit would be needed.

Mr. Rosati stated- But if it's too close to the swale, then the swale is closed. Mrs. Czyz stated- They will determine that.

Mr. Hoffman stated- I was showing Mr. Rosati the site plan to include the plantings. Letting him know that there are indeed large arborvitae's being proposed for that area that he's talking about right now. To address his concern.

Ms. Barron- He's also concerned about dust if I hear you properly. So this site plan shows a stormwater pond. Is that to be used for mitigation of the problems that he's describing?

Mr. Bradley Huffman stated- Negative. We're getting a well-drilled for all of our water for in the building, the bathrooms that are approved in the building and those type of things. That well will also be sufficient enough for irrigation purposes for the yard.

Mr. Bradley Hoffman stated- I just heard Brad say about the front of the street because of visibility, shorter shrub. And I can say that is an issue, but when that car comes up the hill, the car length you can see Pearl Rd heading south. But it's from the point from there back, and this is the building I'm calling out, I was looking at like a six-foot fence that I think would help with a 12-foot height. And it's probably 180 feet away or something.

Mrs. Czyz stated- That's the reason I asked, and you might want to check with the city and see what permit or what the height of a fence would be if we choose to put a fence.

Mr. Kersten stated- I would like it this time for the board to have a conversation on what conditions we can put on the permit and also include our representative from the Fire department of any concession or conditions they want to put on the permit. So, does anybody's got any conditions? You have any that you'd like to see on the permit?

Mrs. Barron stated- But the 10 that we're outlined in the email?

Mr. Payne- Yeah, some of these are, like I said, we discussed and they're already taken care of, but yes, there's 11 here.

Ms. Barron stated- I would feel better putting it in writing personally if it's up to me and they are asking them. I am a firm believer in putting it in writing.

Mr. Timura asked- Do you have dust control measures? That was one of the things that was recommended you guys have?

Mr. Bradley Hoffman responded- Currently, we're waiting on DePew drilling to come and drill a well.

Mrs. Barron asked- How low will that be? Mr. Bradley Hoffman responded- That I don't know. I can't speak for the DePew, but...

Mr. Timura asked- Why can't the pond? Mr. Bradley Hoffman stated- Well, that was my next comment. If we need to, we can certainly run a pump from the pond up to a series of hoses up top for dust control. But again, that whole area is going to be repaved one way or the other. So it might not even be an issue. It's just not done as of this meeting tonight.

Ms. Barron stated- I just feel like, at a minimum, we should protect public safety. We should also talk about parking because people are not going to be pulling in and out of there. And that's up to those guys to keep an eye on.

Mr. Wetterman stated- mentioned concerns about a chemical spraying for the dust.

Mr. Kersten asked Mrs. Czyz- the Fire Department on their 10 conditionals, they've got in there the fans for the mulch. 15 feet...is that in our zoning books too? Mrs. Czyz responded- those were the conditions that were placed upon the Madden Brothers when they applied years ago. And so, they wanted to... Mr. Kersten stated that None of that's in the zoning books.

Mr. Kersten stated- The Fire Department has put in their wire baskets. Do you have wire baskets?

Mr. Bradley Hoffman stated- We do. They contain and quantify the firewood. And I don't have the ability to stack them higher than three high. I don't have the ability to make piles of mulch higher than 15 feet, nor do I have the desire. So those are conditions that if you choose to place them in there. I don't have the ability to go any higher.

Mr. Timura stated- I also would put in no grinding or composting on materials...but again, this would then, going forward, we don't want to have any coming up on forward.

Mr. Wetterman added- I think it would be a good idea to look at it right simply because in the future should they sell the business, people that take over know what the conditions are.

Mr. Kersten stated- Right. We've got three right now. We've got the height of the bends. We've got the height of the baskets. And we've got no grinding whatsoever on the property. Do you want to add in something else?

Mr. Wetterman- I think I want to add the dust control because it's pretty consistent with dust control. I can't recommend how powerful that you could use it.

Mr. Timura stated- Well, we've got here dust control measures to be in place per Akron Air quality control. So I think that would be whatever rule of the regulation.

Mr. Bradley Hoffman stated- I was actually on the phone with Akron Air quality management already, preemptively. I asked them to come out to visit the site and see if there were recommendations, if there was anything I need to do prior to things like that. They said no. They typically respond to Township calling them with concerns or a city calling them with concerns. So there was nothing that I could do proactively. Or there's nothing they could recommend for me to do proactively...

Mr. Kersten stated- What we're doing right now is on your conditional permit. We're going to put conditions. Those conditions will be periodically inspected by our zoning inspectors. If you violate them, you're going to get cited. If you don't violate them, then everything's fine, but they're there.

Mr. Bradley Hoffman stated- One other question I have is in regard to making, composting and grinding and I don't do any of that, but I do process firewood on the property. I would like to make sure that those are two separate thought processes. I'm not making mulch, but we split firewood.

Mr. Wetterman stated- unless it's really decays firewood, we're not getting a lot of that.

Billy Hudson was sworn in, 314 Pearl Rd, Brunswick Hills.

In the seventies, I used to put wells in. We did eco box in Sleepy Hollow. We put a three-phase pump in. We pumped it for EPA for 24 hours straight, two-inch line. Never phased it at all. So, I do know what he's talking about when he's talking about putting a pump in, a well.

Mr. Timura stated- My concern on the dust control is to make sure that whatever we put into regards to dust control, there is a condition there. And it is being followed. So, if Honey Hut (formally known as Honey Hut) Starts complaining, then what course does zoning have?

Mrs. Czyz stated- We're not going to regulate or to even monitor. Because if it's going to be during the day, it's one thing. But at night or on the weekend, how do you regulate that?

Mr. Timura stated- I just don't want to free for all either. Mrs. Czyz replied- Well, and that's the reason I suggested the fence. Not only one, you're going to have the arborvitaes as the Huffman group is doing. Which is going to help some of that dust coming into the adjoining property. But with the fence, it's going to at least stop it somewhere.

Mr. Kersten stated- I got a relative that works for Smith Brothers. So, he knows pretty much what goes on down there. He mentioned to me about concrete pads. Are you going to have concrete pads for your bins? You know anything about that?

Mr. Bradley Hoffman- If you have concrete in your bins, it eliminates when you go into scoop, you're not picking up dirt and rocks and selling that to people with their knowledge. I mean, that's more of a quality control than it is any other... It doesn't mitigate anything. That's just making sure that what you're delivering to, who you're delivering it to, they're getting what they're buying.

Mr. Kersten stated- I didn't know if that was a zoning law or so forth. I didn't look it up in the book.

Mr. Bradley Hoffman- In my personal opinion and experience, I know four different operators and they don't have concrete in their bins. Smith Brothers does, but the four that I'm aware of does not.

Mr. Timura asked- any commentary with regards to hazardous chemicals? Obviously you're going to have gasoline on your site.

Mr. Bradley Hoffman stated- I've got, hazardous chemicals as far as fuel or as far as anything from this mulch? Because I've got numerous emails from Medina County Soil and Water, EPA. I mean, I went all over the place trying to find that there was any sort of concern with by runoff or anything that could be associated with the Salem mulch. I mean, I've got nothing from anybody. Nobody that has a real concern about that.

Mr. Timura stated- And I assume that fire department would have some regulations with regards to gasoline, diesel, storage.

Mr. Payne stated that they would have it all in cans or in machinery. So I don't see it affecting water, you know, affecting their storage of their fuel or anything.

Mr. Timura stated- we have five conditions. #3, Piles of material will not exceed 15 feet. #5-Wire baskets will be stacked no higher than 12 feet or three baskets high. #6- no grinding or composting of materials on the property, excluding the splitting of firewood. #10, treatment and wetting of materials will be in compliance with the EPA guidelines. And the last one, dust control measures to be in place.

MOTION TO APPROVE THE CONDITIONAL ZONING PERMIT- Hoffman Tree Service/ Hoffman Outdoor Supply at 916 Pearl Road in Brunswick. Parcel. 001-02A-250-47 with the following conditions:

- Condition 1- piles of material not to exceed 15 feet.

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- Condition 2- wire baskets to be stacked no higher than 12 feet or three baskets high.
- Condition 3- no grinding or composting of materials on the property, excluding the splitting of firewood.
- Condition 4- treatment and wetting of materials to be in compliance with the EPA guidelines.
- Condition 5- that dust control measures are to be in place. We've got per the Akron
- air quality control.

Motion: Mr. Timura motioned to approve the conditional permit, Mr. Wetterman second the motion.

Roll Call: Ms. Barron- No, Mr. Kirsten- Yes. Mr. Wetterman- yes. Mr. Timura- yes.

Mr. Kersten stated- You've been approved a conditional permit to do your mulching garden and that with the five conditions. You will get a decision letter in 30 days. So that will be in the July meeting, it'll be mailed to you. We'll sign it at the July meeting and then it'll be certified mail to you. So that's 30 days down the road. And you should wait another 30 days because anybody, the church or anybody, and I'm not blaming them or anything. I'm just giving an example. Can go to Medina Municipal Court and file an appeal to our decision. So, there's nothing to say you can't haul in truckloads of mulch, but if Medina Court says we're overturning their decision, you're going to have to haul it right back up. So actually 60 days down would be. September 1st you can start selling mulch. Mr. Bradley Hoffman responded- Right at the end of the season.

Mr. Kersten stated- Yeah, fortunately it is. I understand that. And if anybody in the audience is adversely affected by our decision tonight, they have a right to file in Medina Court of Common Pleas.

PUBLIC COMMENT:

Henry Hoffman, 916 Pearl Rd

Mr. Hoffman stated- I just want to make it clear to everybody here that we are going to do whatever we can to make sure that the Rosati ice cream facility or anybody else, whether it be people to the north, people to the east. We're going to do what we can to mitigate any kind of problems. And we don't want to be the bad people in the block.

And unfortunately for us at this particular point in time, because most everything that we're doing is self-funded and we're involved in a lot of money has gone out in terms of the stone and all of the things that are, it's going to take us a little bit of time to get where we want to go. But it is going to be one of those places that I want to be proud of. And so, I want the township to be proud of it and everybody else around. So, we will do what we can.

ANNOUNCEMENT OF NEXT MEETING DATE: Wednesday, July 10th, 2024, 7pm

Motion: Mr. Kersten motioned to hold the BZA Brunswick Hills Township meeting on July 10th, 2024 due to the holiday. Mr. Wetterman seconds

Roll Call: Ms. Barron- Yes. Mr. Wetterman- Yes, Mr. Kirsten. Yes, Mr. Timura- yes.

Trustee Murphy stated that the Comprehensive Land use plan kickoff meeting will be held on Monday, June 17th at 6.30 p.m.

MOTION TO ADJOURN

Mr. Kersten made a motion to adjourn, Mr. Wetterman second the motion. Roll Call: All in favor aye to adjourn.

Meeting officially adjourned at 8:30 pm.

Respectfully Submitted,
Dalith Beck, Zoning Secretary

Gregg Timura

Date