

WATERVILLE TOWNSHIP ZONING BOARD MEETING

621 Farnsworth Road, Waterville, OH

July 20, 2020 – 7:00 p.m.

Zoning Board Members

William Burkett
Shelly Hayes, Vice Chair
Rich Hertzfeld
Keith Moosman
Tom Wardell, Chair

Alternate Bob Long

Zoning Secretary

Patty Rupert

Township Trustees

Kyle Hertzfeld
Brett Warner
Duke Wheeler

Deputy Fiscal Officer

Peggy Michael

Township Zoning Inspector

Jim Fischer

MINUTES

1. Meeting was called to order at 7:00 p.m. by Chair **Tom Wardell**. All in attendance joined in the Pledge of Allegiance.
2. In attendance were Board Members **Bill Burkett**, **Shelly Hayes** (by phone/in person), **Rich Hertzfeld** (by phone/Covid-19 Quarantine), **Keith Moosman**, and **Tom Wardell**. Also in attendance were Zoning Inspector **Jim Fischer**, Secretary **Patty Rupert**, and Trustee **Brett Warner**.
3. Approval of Agenda for July 20, 2020. **Bill Burkett** made the motion to approve the agenda as submitted. **Rich Hertzfeld** seconded. **MOTION CARRIED**.
4. Public Comments – Special Use Permit Review/Progressive Fisherman’s Association (PFA)

Guest: Chris Ferrara, President PFA was present to present modifications and answer questions to the current PFA Special Use Permit.

Ohio Department of Natural Resources has updated list of ammunitions for upcoming deer season. This is driving force behind request for modifying Special Use Permit and caliber of ammunitions allowed for shooting. These would include:

357 45 Caliber, 44 Caliber
4570, 350 Legend,
450 Bush Master
50 Caliber Rifle
(Straight Wall Cartridges)

PFA would like to alter their Special Use Permit to include the above ammunitions listed.

Along with their request, Jim has taken on a tour of their facility. Current range will not change. They would put in place extra safety procedures. Using corrugated shooting tubes, to eliminate stray bullets being shot away from the target. **Rich Hertzfeld** asked about the size of the tubes. These would be either 18 or 24 inches in diameter and approximately 6 feet in length. The right side berm against metro park area would be raised from 13 to 20 ft. (Material already stock piled on site, just needs to be moved around.) Would include also include tubes at 50 and 100 yard lines for use of straight wall cartridges. Open to other suggestions. Shooting tubes are designed to keep stray bullets from leaving the property. Has done ballistic research. Very little recoil with this type of ammunitions.

Highest round would not have any more velocity than a shotgun with a rifle slug in it. Not asking to shoot any bottle neck cartridges, 308's, or 223's. Do not want to shoot any rounds that are not legal for hunting in Ohio. It's been 4-5 years since the DNR has opened up the use of straight wall cartridges for the use of deer hunting. The additional calibers would offer a more humane kill for deer and better accuracy. 2019-2020 DNR hunting rules and regulations spells out specifically what rounds are permissible.

Shelly Hayes asked if neighbors would hear any gun fire louder than what they are used to and are they aware of the changes. No additional loudness, just better accuracy. Actually a safer caliber. New ammunitions are designed to start to descend after 200 yards. Will loose velocity and hit the dirt before it gets to a 400 yard distance. **Jim Fischer** stated if board tonight is in favor of modifications, a public hearing would be required as a way of notifying neighbors of potential changes to Special Use Permit. Any concerns regarding distances and safety concerns would be addressed at that time. There will be a tighter area for shooting with tubes being in place. **Chris Ferrara** does not want the PFA to go thru the expense of improvements or modifications until they are sure SUP is going to be approved.

Chris Ferrara stated they have visited other clubs with very good success with this type of program using these types of ammunitions. **Rich Hertzfeld** asked if they expect an increase in usage with an increase in ammunitions. Chris stated the guys that hunt are members of the club already. He does not expect an increase. All members go thru certification program. Members are allowed to bring 2 guests. They do not have a full time range officer some clubs require.

Chris Ferrara explained that DNR has a website that fully explains the use of these ammunitions and the logic behind their use. Because they have a center fire primer, PFA was restricted in the use in their original special use permit. **Rich Hertzfeld** asked if they are legal federal rights associated with this issue. We will need to check with our solicitor. Already state regulated. Allowed to shoot in Monclova township. **Brett Warner** shared his personal opinion, that the PFA is doing a service to the township by being good neighbors. We could possibly be legally challenged. Putting things in place above and beyond to make it a safe shooting range. **Zoning Inspector** has not reached out to John Borell to go over any possible legal issues. **Shelly Hayes** likes the idea of taking it to counsel. Path moving forward will be Zoning Board to County to Public Hearing to Trustees. County has a built-in legal review when it goes to the planning commission.

Chris Ferrara appreciates the comments about the PFA being good neighbors and doing their homework. Their biggest challenge coming forward with this request were concerns regarding public safety. Many examples of shooting tubes can be found on the internet. **Bill Burkett** asked Chris to provide us with any additional information he can find regarding the performance of these tubes. Also, in 1969 when original SUP was issued, we could not find certificate from NRA as listed in their original special use permit. Is there anything from the NRA regarding checklists for ranges? PFA has an NRA certified range officer. PFA currently has a Toledo Police Officer in charge of firearms program. Has ballistic studies of the requested rounds. Would like to see more specifics with what PFA is requesting. Feels we need to have a checklist set up for future reviews. Would like to start construction process to coordinate approval for new ammo for this year's hunting season (December). Members would like to start shooting end of October, early November. Will try to get as much background information as possible. Justify why shooting tube is necessary. **Tom Wardell** asked if there is supervision when members are shooting. Members must be certified yearly by range officers. Members

are extremely well versed in the use of fire arms. Also training members in trauma and first aid. They do provide hunting safety classes. Registered with DNR to hold safety classes.

Bill Burkett moved to support the SUP modifications working with **Jim Fischer** to identify list of calibers being requested provided by ODNR, performance descriptions of weapons and shooting tubes including, muzzle velocities, and some commitment outlining NRA certified range officer involvement on a periodic basis. **Keith Moosman** seconded. All members voted yes in support of the modifications to the SUP. **MOTION CARRIED**

Jim Fischer will check with county on proper timing and with **Chris Ferrara** for additional information requested

5. Review of Meeting Minutes – June 15, 2020 – **Keith Moosman** made the motion to accept the minutes as submitted. **Bill Burkett** seconded. **MOTION CARRIED**
6. Correspondence – None
7. Zoning Inspectors Report / **Jim Fischer**

Jim Widmer provided language on signage. Supreme Court changed the ruling on signs. We will be the only township in Ohio to follow the recent supreme court ruling in our zoning requirements for temporary signs. We need to rely on John Widmer's interpretation. Has been educating himself on new regulations on his own dime.

Permit No. 019 – New Home

Jeremy O'Hair
7351 South Berkey Southern Road (St. Rt. 295)
Whitehouse, Ohio 43571
Collected \$250.00, Ck. No. 10248
Agent – Seneca Builders

Permit No. 020 – Accessory Building

Frank Dudas
11850 Stiles Road
Whitehouse, Ohio 43571
Collected \$300.00, Ck. No. 4887

Permit No. 021 – In Ground Pool

Scott Wojtowicz
7757 Tournament Drive
Waterville, Ohio 43566
(Fallen Timbers Fairways)
Collected \$300.00, Ck. No. 7425
Agent – C.C. Pools, Amber Herold

Permit No. 022 – New (Spec) Home

Buckeye Real Estate Group
6103 Double Eagle Court
Waterville, Ohio 43566
Collected \$250.00, Ck. No. 4206

Permit No. 023 – New (Spec) Home

Buckeye Real Estate Group
6110 Double Eagle Court
Waterville, Ohio 43566

Collected \$250.00, Ck. No. 4206

Permit No. 024 – Accessory Building

John Bateman

8422 Dutch Road

Waterville, Ohio 43566

Collected \$_____ Ck. No. _____

I have not completed this permit as I am waiting for the fee

Permit No. 025 – In Ground Pool and Fence

Lina Castro

8377 Palmora Court

Monclova, Ohio 43542

Agent, Mossing Pools Inc.

Collected \$300.00 for the pool and \$50.00 for the pool fence, Ck. No. 14495

Permit No. 026 – Pond (1/4 acre)

Richard McKnight

7505 Heller Road

Whitehouse, Ohio 43571

Collected \$300.00, Ck. No. 327

06-25-2020 – I spoke with Andrea Mason about cutting the weeds on her property at 7065 Finzel Road next to the Schneider property. I have observed that the weeds have been mowed.

06-25-2020 – I spoke with Derek Price at 11004 Winslow Road about accessory building zoning requirements. He will contact me for a permit when his paperwork is in order.

06-25-2020 – I spoke with Katie Witte about a property at 11355 Neapolis Waterville Road that they may be interested in purchasing. She had questions about having two dwelling on one property, well and septic and building in a flood plain. I answered questions about zoning and referred her to the county for all other questions.

06-29-2020 – I spoke with John Borell about agriculture exemptions. He sent me an e-mail on the agriculture exempt process. I have copies for all of you to review.

07-02-2020 – I spoke with William Hart, 9355 Stitt Road, near the corner of Bucher and Stitt Roads. The neighbor has built a fence past the property line and onto his property. I explained that this is a civil matter and not a zoning issue.

07-02-2020- I spoke with Eileen Sullivan who lives in Springbrook Farms. The structural steel swing set continues to a “hot topic”. Swing sets are not regulated in our zoning resolution but structures are. Does a swing set qualify as a structure? Because of the foundations used to support the swing set, I believe it does, but in my interpretation of our zoning code on structures, there still are not any township zoning violations.

06-30-2020 – I spoke with Chris Ferrara representing the Progressive Fisherman’s Association. He told me the PFA would like to amend their special use permit. He will be here tonight with a presentation for the Zoning Board.

07-06-2020 – I spoke with Mark Higgins from the Vision Church on Noward Road. He was inquiring about the schedule for their sign variance meeting before the BZA. That meeting is scheduled for Monday, July 27, 2020, at 6:30 p.m. in the training room at the Whitehouse Village Hall.

07-07-2020 – I spoke with Darlene Bell who lives near the corner of Noward Road and Neapolis Waterville Road. She had questions about letting property “grow natural”. I advised the township monitors “natural growth” for noxious weed control only.

07-08-2020 – I spoke with Elise Pacewicz, 6544 North River Road, who had questions about home alterations.

07-13 and 14-2020 – I spoke with Cale Jones, 8215 Heller Road, Whitehouse. He would like to build a pond and had zoning questions. He will contact me when he is ready.

Jim passed out explanation from John Borell regarding Argricultural Exemptions. Much discussion ensued on what qualifies and how to regulate. Zoning regulations will apply in certain cases. I.E. number of acres, continuous properties, number of animals, etc. County inspectors can always be used, or complaints can be brought to the attention of the zoning inspector.

8. Old Business – None
9. New Business - None
10. Trustee Comments – **Patty Rupert** will work with **Kyle Hertzfeld** to see if Zoning can use the same account as trustees for future meetings. **Brett Warner** will make a recommendation to the trustees to ensure there is an account set up for all township use. Will need to look into possibly a hot spot for internet use at the hall and possible use of a camera for public meetings. **Brett Warner** will drop off information from today’s meeting to **Rich Hertzfeld**.
11. Member Comments – Look over information from John Widmer before next meeting.

Adjournment – **Shelley Hayes** made the motion to adjourn. **Keith Moosman** seconded. **MOTION CARRIED**

Next Meeting August 17, 2020