

RECORD OF PROCEEDINGS

Minutes of

Meeting

Danbury Township Zoning Commission

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____

March 4, 2026

The Danbury Township Zoning Commission was called to order at 6:27 p.m. at the Danbury Township Meeting Room by Chair, Susan Dress. The pledge of allegiance was recited. The roll call showed the following present: Chair, Ms. Susan Dress, Vice-Chair, Ms. Jodi Kopanski, Secretary, Vito Kaminskis, Member, Ms. Barbara Singer, Member, Mr. William Tuttamore, and Alternate Doug Huber. Alternate Ms. Cynthia Mahl was excused. Ms. Kathryn Dale, Zoning and Planning Administrator, was also present.

Approval of February 4, 2026, Minutes

The Chair asked if all the Commission Members had had an opportunity to review the minutes from the last meeting. All indicated they had. Ms. Dress asked if there were any corrections or modifications. Ms. Kaminskis made a motion to approve the minutes of the February 4, 2026 meeting. Ms. Singer seconded the motion. All Ayes. The motion carried.

Public Hearing

There was none.

Unfinished Business

There was none.

New Business

Ms. Dale said that last month she had given the Zoning Commission members a draft of some text amendments that she would like to have initiated. They primarily had to do with the roadway widths within the conditional uses, like cluster housing, condominiums, resorts, and campgrounds. She said the Fire Chief had expressed that they were having trouble with people parking alongside the 20-foot roadway widths which obstruct their ability to get into the sites in emergency situations. They would like to see the twenty-foot roads be completely unobstructed and then add some additional width to the roadway for on-street parking if the management or the development is going to allow that to happen.

Ms. Dale said she would go through the changes page by page because they had to add some other language. She directed them to go to page 22 where a definition for "Road right-of-way" had been added. She said it was all new language that was taken from Ottawa County and County subdivision regulations. She stated she had the County Engineer and Regional Planning look it over and they have no objections to how it is worded. The next definition was on page 23 where the definition of what a "Street" is has been expanded. The County Engineer and Regional Planning also approved the wording. She next directed them to Article 4 where the conditional uses are. Under cluster housing communities, Section 8, on page 53 there was already language in there that said all streets within the cluster housing community shall meet the requirements written in black, that is currently in the zoning code. She proposed adding items B, C and D that all streets shall be a minimum of twenty feet wide for emergency purposes and be unobstructed. If parallel on-street parking is going to be offered in addition to off-street parking requirements within the development, then the minimum street widths shall be as follows: thirty feet for on-street parking along one side of the street. The side of the street that parking is not designed for shall be marked with appropriate street signs stating, "No parking this side of street." Item two, that it shall be forty-foot wide for on-street parking along both sides of the street. Perpendicular or angled on-street parking shall be a minimum of twenty feet deep in addition to the twenty-foot street width. She said that it is basically replicated when you get into the condominiums on page 56 and on page 63 for recreational camps.

Ms. Dale said while they are making changes, there have been a few other tweaks in some other sections. In recreational camps, there is a perimeter setback for campgrounds, but also for each campsite. According to the code, each campsite is supposed to have an eight-foot setback from all sides of that individual campsite. That is more than the county and the state require. She said she would rather defer to what the state and county requirements are, so the Township is not in conflict with them. They are the ones that go out and make sure the distance from other units is met and it is part of a campground being able to get their license. She said the new language was provided by the state and county and is quoted exactly. She said she does not want to be in a situation where the Township is requiring more and they are requiring less, since they have the final say. Once the units are in, they are inspecting the grounds and issuing licenses. They are not looking out for the Township requirements. She said if they are meeting the state and county requirements, why should they have to meet more here for zoning? Ms. Dale said she is just trying to clean up that language, so they do not have a conflict. Mr. Huber asked if the current sites met this already. Ms. Dale answered that all of the newer campgrounds meet this, the older campgrounds are far from it. Mr. Huber asked if the older campgrounds would be grandfathered and Ms. Dale answered that they would.

Mr. Kaminskis asked about a neighborhood such as where he lives, where it is technically considered a condominium and a lot of people park on the road. He commented that it probably is difficult for the Fire Department to get through. He asked if or when they redo the road, will they have to come up to the new width standards or would they stay at the previous standards. Ms. Dale said if

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they were just resurfacing what exists, they would not have to make the street wider because their streets were installed per a plat that was already recorded. The Township cannot go back on the existing developments, but any new ones that come in would be required to have a wider width. Mr. Kaminskas said his road would probably have to be ground up and re-laid in the next five to ten years. Ms. Dale said they would not be expected to widen it at that point; however, they might want to discuss allowing parking on only one side of the street and putting up signs on the other side. Mr. Kaminskas said that his development had already done that because when people parked on both sides, nobody could get through. Ms. Dale said this is really going to be in effect for any new condos or campgrounds. She said it had already been made a condition for a lot of the campgrounds by the previous Fire Chief. He would review their plans and tell them where signage for no parking needed to be placed. They still do inspections and the fire inspector will go in and tell them to get cars out of there. Mr. Kaminskas said more people have been pretty compliant in their neighborhood with parking and being courteous. Ms. Dale said there are similar language changes for the street widths for resorts.

Ms. Dale stated that she had discovered a potential conflict in the language for storage areas. She acknowledged that the language had recently been updated but had highlighted language about the minimum side yard setback. She said she had come across it recently with a building in the heavy manufacturing zoning district, which required a twenty foot side yard setback. She said the recent language change and said ten feet or the same as the underlying zoning district when adjoining another commercially zoned property or structure. She said she would like to add "whichever is greater" so there is no room for argument about what the minimum requirement is. It is just a change for clarification.

Ms. Dale moved onto the language for fences she had given them last month and the tweaked language that removed the four-inch gap on the bottom that was previously required. She said it was mostly a Lakeside thing, and she is not going to check if it is four inches or not. Ms. Singer said they used to sneak under the fence into Lakeside when she was a child. Ms. Dale said that language was there to accommodate sloping landscapes and fences are normally built to keep things in or out. She does not want to cite people if it ends up causing a gap that is more than four inches. Mr. Huber said sometimes that gap is huge. Ms. Dale said she thinks the intent was to have it lifted off the ground a bit to weed whack and maintain around the fence, but zoning just does not need it. She would just like to take that language out of the code.

Ms. Dale stated she added onto the parking and off-street loading requirements on page 87 to reinforce the no parking situation. She gave the example of the pickleball courts and when they initially came in with their parking plan. The Fire Chief pointed out that they had a twenty-foot lane that goes down the side of the building, in addition to their angled parking, but Fire did not want people parking along that lane if the facility was busy and needed overflow parking. He required them to have no parking signs along there because one of their marked off fire zones is at the back of the building. It was to provide easier access in the event of an emergency on one of the back courts. The new language would state that "*Parking lots for non-residential uses shall be coordinated and approved by the Fire Chief prior to the release of a zoning permit for fire lanes and no parking zones around the building*". It is an additional courtesy to the fire department to make sure they have ample access in commercial developments.

Ms. Dale said she is also trying to add some type of provision for shared parking. She said the code currently requires a certain amount of parking for each use. She provided the example of Safe Harbor's strip building that contains Puckett's Pups and Erie Social and across the street where the Canoe Club is located. Every single use is supposed to have its own standalone parking requirement. She stated restaurants require much more parking, rightfully so, than just a little retail shop. She said in the case of Erie Social and Puckett's Pups, or the Beach Glass Lounge and Fergusons, the restaurants are going to be open later than the dog daycare or the art gallery. There is no reason they should not be able to kind of expand and share parking in the evening hours when they are not operational at the same time. They would have to have an agreement because the Township does not want to be in the midst of an argumentative situation where one business is complaining about the other business being busy and their patrons not being able to come and park in front of their store. Businesses would be required to record an agreement to the terms of their shared parking and provide it to zoning as part of any permits that get issued where they set something like that up. She said she is just trying to offer that as an option when it makes sense. It may not be necessary in all situations, but it is a pretty common thing that you find in some zoning codes.

Ms. Dale then moved onto outdoor music with the bars and restaurants. She said a permit application had been received which sparked a discussion about noise and outdoor music with the bars and restaurants. She said an application had been made by a bar restaurant for a 3,000 square foot elevated deck and complaints have been made over the last two summers regarding the level of their noise and bands at play. There is concern that this deck is going to only exacerbate previous complaints. The way the code is now it requires "*All activities and music shall be within a fully enclosed building*". That was put into the code around 2007 because Crow's Nest was apparently out of control. Back then,

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the Township went as far as to even pass a special noise resolution, which talks about decibel meters and hours and things like that, which is separate from the zoning code and enforced by the police department. There has been some discussion with the Trustees and because things have gotten a little relaxed as time has gone on. It is not a big deal when it is a single guy sitting on the patio at Cleats playing an acoustic guitar. She said she did not believe there had been any complaints about Hidden Beach Bar. There was a complaint about Beach Glass Lounge last year, but it was found to be unwarranted. There have been complaints on Camp Runinmuck over the years, but for the most part, it seems that everyone wants to keep themselves in check. Ms. Dale said a letter was sent out from the Zoning Department last year to all of the bars and restaurants to remind them of what the rules are. They were advised what was in the Zoning Code and while things had gotten a little relaxed, there was still a noise resolution. It was intended to make them aware that they did not want to be the reason why everybody was going to be punished, because you cannot enforce the regulations on one business and not on all the others. The Trustees do not feel it is necessary to require bands and entertainment to be in a fully enclosed building anymore. The police department advised that they had received twenty official complaints over the last five years, which averages out to four per year. It is not a huge problem. When they do get a call, they go out and determine if the complaint is warranted or not. Some of them are not warranted. If the complaint is warranted, they go and reach out to the bar owner or manager and nine times out of ten, they turn it down and they are good the rest of the night. If the police department has to go on repeat calls to the property on the same night or multiple times a weekend, they will get to the point where they may have to charge them with a disorderly or disturbance charge. That is all through the police department. Ms. Dale said she went to the Trustees and said if this enforcement is going to be predominantly done by the police department, they would need to get rid of this conflict in the zoning code. She asked them what they wanted to do with the language. She asked if they wanted to remove the language from the zoning code entirely and just rely on the noise resolution. After much discussion about the matter, Ms. Dale said she still did not have a clear answer on how they wanted to proceed. She said after the initial meeting she threw together some possible language and gave it to the Trustees to look at together with the option to just delete the language. Ms. Rozak opinioned that she believed the Township still needed to have some protection in place so they could not just set up music anywhere on the property with no consideration to the neighbors. An example was Hidden Beach Bar setting up a bandstand along the fence next to the Blue Water Condominiums. She believes the Township needs to have something as opposed to nothing. Ms. Dale said that provided her with a direction upon which to focus. She said she was proposing that the Township essentially define what a bandstand is. She asked the Zoning Commission members to look at page 8 to see possible language defining what the Township would consider a bandstand where a bar or restaurant would have music played from. While it does not have the same meaning as a bandstand from the 50's or 60's, it would need to be clear that this is not for something that would be concert level, amphitheater level, or arena. This is for something small. For a bar or restaurant, it would eliminate the reference to a fully enclosed building. Ms. Dale said she had advised the Trustee that she did not like it when a restriction was added within a definition. It would now state that they would have to refer to accessory structures regarding outdoor music or entertainment. Using the example of Hidden Beach Bar and the little stand outside the bar with a roof over it. The Trustees are adamant that they want a structured roof and predominantly they wanted it three sided. When writing the language to cover that, it must be conveyed in a way that people can understand.

She asked the commission members to refer to page 81 where a whole new section would be added under Accessory Buildings. In that section, the language would read that any outdoor music and entertainment for bars, saloons, taverns, nightclubs, and restaurants shall be subject to all the following regulations – A. Any outdoor music or entertainment offered that is not within the principal bar/restaurant shall be located in a bandstand type structure which will be considered as an accessory structure for the purpose of this use. Such structure shall only be permitted in the LBO, LMO, C-1, C-2, and RC zoning districts and in conjunction with an operating bar, saloon, tavern, nightclub, or restaurant. She said she listed those districts because those are the districts that allow a bar and a restaurant. It needs to be clear that they are not just going to allow any commercial business to set up a bandstand. Mr. Huber asked about a campground. Ms. Dale said it would not apply. Mr. Huber asked how it would apply to the Lakeside districts because there are no bars there. Ms. Dale said they do have restaurants. Mr. Huber said he was thinking of the actual bandstand in Lakeside. Ms. Dale said there were different uses in Lakeside that covered the parks and the amphitheater and things like that. This would just be in relation to a bar or restaurant. Ms. Dale advised the Commission members if that language did not come across like that, they needed to advise her. She repeated the proposed language.

Ms. Singer said they have had this issue at Put-in-Bay, and it is not unusual to have a single guitar player or just a small group playing. She said it is not really practical at their club to be expected to have a bandstand and that the music is a huge draw. She said she is worried that the language of any outdoor music entertainment is a little too restrictive for some of the businesses. She said she believes they are trying to solve the problem of really loud rock and roll bands. Ms. Singer said she lives across

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from Runinmuck, and the sound never bothers her. Ms. Dale said this is for any outdoor music and entertainment, they do not have to provide it outdoors, they are still allowed to put it inside. Ms. Singer said sometimes the acoustics of however the building is constructed are awful. She gave the example of the Put-in-Bay yacht club and said the music inside is awful because the acoustics are awful. If you put somebody on the outside patio, it draws people in and is nice and relaxing. She said she thinks this is too restrictive. Mr. Huber stated they would have to build a structure themselves. Ms. Dale said, unfortunately, the Trustees are not going to allow them to be "open air." Ms. Dress then said you would get to the point of what level is acceptable. Would it be one person playing guitar, what about two people playing guitar? Ms. Dale said they are not trying to regulate how many people could be performing at once. Ms. Singer said that Cleats, for instance, could not have their outdoor entertainment once the requirements changed without building a bandstand. Ms. Kopanski asked if there would be a way to incorporate something for a bar like Cleats where they play under a little roofed area on a porch or covered patio. Ms. Dale said yes and it would be covered in proposed Section E. Ms. Dale advised Ms. Singer that she understood what she was saying, but the Trustees had already expressed their wants on this and were not going to allow open air on a patio – they do not want that. She said she is trying to work with what they are directing also.

Ms. Dale then read that "said bandstand type structure shall provide a roof and be enclosed on three sides by the following means: a back or rear wall shall be permanently constructed as part of the structure".

Ms. Singer said that concerns her as well because it may impair a restaurant or bar's view. Citing Cleats as an example, if they add a wall under the overhang with sides, it could block a whole bunch of their restaurant view. Ms. Dale said it would require them to think about where they wanted to have it as far as placement. She said they are not telling them *where* they have to put the entertainment on their property. She said the times that she has seen someone playing there, they have usually sat with their back against the wall of the restaurant. She said she did not know if the canopy they use would suffice, and probably would not under these requirements, but they may also have to add some sidewalls to help with projection. The key here is that Cleats could also put a bandstand with the back facing the houses to the west. The key is containing the noise and directing it in a way that is facing the business and not facing residential properties. Mr. Tuttamore said he thought people would be grandfathered. Ms. Dale said that most should be able to comply. Mr. Tuttamore said they are not obligated to comply. Ms. Dale said the Trustees are going to ask them to do it by next year. Ms. Singer said a business could put a bandstand in the wrong direction and point it in a way that it is actually very disturbing. She said she was not sure that it would solve the problem.

Ms. Dale read the bandstand type structure shall provide a roof and be closed on three sides by the following means: a rear back or rear wall shall be permanently constructed as part of the structure. The two side walls may be designed in a "V" shape or concave in order to project the music and entertainment towards the bar or restaurant patrons. The side walls may be retractable, such as garage doors, but must be solid and in a down position during the performance. Ms. Dale said they are not talking about the entire space, just the space where the performer or band is set up. A tent or other temporary material is not an acceptable structure for such bandstand. Ms. Dale stated the last thing they want to see is a business set up a 10x10 tent, pup tent, tailgate tent, bring some plastic sides and think they are good. Ms. Dress said it may need to be made clear that it should say it "shall be" designed to project music towards the bar/restaurant patrons not away. Mr. Tuttamore said then you are requiring them to have it be "V" shaped, and they may want to have a squared off building. Mr. Huber said then it would not have the sound projection. Ms. Kopanski said it could say "V" shaped or concave or similar. Ms. Dale said she may add "in a similar manner." She said the Trustees are not saying it has to be a box. It can be opened up in a way on the sides to project the music. They do not expect it to be a flat square or box. Mr. Huber said they could build a box if they wanted and Ms. Dale agreed. Mr. Huber said he liked the way it was worded before so if they wanted to build an acoustic design, you could. Ms. Dress said she was just trying to stress that it had to be designed to shape the music towards the bar and the patrons, not residences. Ms. Dale said in the beginning description, it already said the structure shall provide a roof and be enclosed on three sides, how they decide to make the three sides is not defined. Ms. Dress said that language does not define the way it has to be constructed to project the sound. Ms. Singer read some language she had found on the internet. Ms. Dale said she had not gotten that far yet in the new language she was presenting.

Mr. Huber said it does not say where their speakers have to go. Ms. Dale said she did not want to get into that level of restriction because every band is going to be different. Mr. Huber said they will just put the speakers outside the structure, and you are back to the same situation, and it defeats the purpose of the regulations. The speaker placement would need to be defined. Ms. Singer said the speakers at Hidden Beach Bar are usually inside their bandstand and it only has a back. If it had two sides, it would restrict the visual view of the lake from the side picnic tables. She said outside entertainment is such a big draw for tourism and economic development and we do not have a lot of restaurants along the water. She said she worries about our businesses and our marina districts. Ms.

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Dale said she understood, but their hands were somewhat tied in that the Trustees expressed what they wanted, which is a three-sided structure, period. There is not a lot of negotiating to be done with that, but there will be a public hearing on it. She said the Commission Members are welcome to vote no on it, but at the end of the day, this is what the Trustees want to see. So, while the Zoning Commission could vote this down, the Trustees are probably going to end up passing it, so they might as well make it as best that it can be and as accommodating as can be. It can be worded so things are in a reasonable way without getting too restrictive. She said the last thing she wants to see is that it be too restrictive either. She would like it to be a little bit flexible but does like the idea of having the speakers restricted to inside the structure because if they are outside, it defeats the purpose of even having the structure. Ms. Dale asked if they agreed to leave may instead of shall. Ms. Dress said it still does not define that the structure needed to project sound towards the patrons. Mr. Tuttamore said none of what had been discussed addressed getting the focus of how it is going to be turned. Ms. Dale said Hidden Beach Bar had chosen to build theirs the right way with the back of the structure towards the residents. The businesses are still going to be subject to the noise resolution. If they decide to point their structure right at a residential neighborhood and they have a five-piece band in there playing too loud, they are going to get called on whether they have this little structure or not. She said the whole purpose was to try to allow music but buffer or contain the noise. Ms. Dress said then maybe leave it as it is, but stress any setup must be designed to project the music and entertainment towards the bar/restaurant patrons. You can design it anyway you want, but the end result must be that the music is projected towards the patrons. Ms. Dale read the language with the suggestions given of *the two side walls may be designed in a "V" shape or concave and must project the music and entertainment toward the bar or restaurant patrons. The side walls may be retractable, such as garage doors, but must be solid and in a down position during a performance.* Ms. Dale said this way they can open them up during the times when nobody is there performing, but they must be down when the entertainment is there. She said Trustee Rozak wanted them to be a solid barrier to prevent someone from putting up fence posts with slats that have openings, as they do not want openings in the sidewalls. She continued reading that tents or other materials is not an acceptable structure for such bandstand. Mr. Huber asked about glass. Ms. Dale said it would be acceptable because it is solid and would be like garage doors.

Ms. Dale read the next requirements that said *bandstand structure shall meet the following requirements: the structure shall be a minimum of five feet from the principal structure, but no further from the principal structure than twenty feet.* Ms. Dale said under accessory buildings, all accessory buildings must be five feet from the principal structure. That is a blanket requirement for all sheds, barns, garages, etc. She said she is trying to rein in how far away from the building it actually ends up being, so no more than twenty feet away, depending on what size they put in. The reason for choosing twenty feet is because first it allows the existing businesses to meet the requirements, and second, depending on the size of the structure they put in or already have, if it is a preexisting structure, that building might already have to be twenty feet away from the restaurant. So basically, it will have to be at least five feet away. That is a standard requirement for us, but no more than twenty feet away from the principal structure. Mr. Tuttamore stated that then they could not put a covered porch on the building. Ms. Dale said they could. Mr. Tuttamore said that it would not be five feet from the structure. Ms. Dale said she would be getting to that. Ms. Dale continued reading that *the structure shall be located in the rear or the side yard of the building* and explained that this was already in the code for accessory buildings. The structure shall be fifty feet from any adjoining residential property line. Ms. Dale said in checking existing businesses, all of them far exceeded that. She continued that the structure *shall not exceed 200 square feet.* She said by keeping it at 200 square feet, which is 10 feet by 20 feet, they do not have to necessarily get a county building permit for it. It would also limit the size of the band or entertainment that can fit into the structure. She continued with *if the outdoor entertainment is provided in a preexisting roofed structure, detached or attached with the principal use that is larger than 200 square feet, then the performance area inside of that preexisting structure should not exceed 200 square feet and must be enclosed on three sides in the area where the band or live entertainment is being staged.* Ms. Singer asked if Canoe Club had an enclosure now for music. Ms. Dale said they do on one side, but not on two. If they were going to provide outdoor entertainment, they would have to provide an enclosure or a retractable drop, solid wall on two other sides.

Ms. Singer said if they have only had four complaints a year about outdoor music, this seems really restrictive for that amount. Ms. Dale stated that the Zoning Code right now says no outdoor entertainment, which means none. None at all unless it is in a fully enclosed building. This would begin to relax that but still have parameters in place. Ms. Kopanski asked if they could have a swinging wall, not solid, but more solid than a fence, which could be pushed back so it is open and then comes out when they are going to have music. Ms. Dale asked if she meant a room divider type side and Ms. Kopanski said she was thinking of something like that which could be swung out when needed and could be relatively simple. Ms. Dale said she did not see why they could not do something like that. Mr. Huber asked if they could make all three walls retractable. Ms. Dale said there would need to be

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one solid wall for the structure and that would be the back wall. That would also mark where the entertainment would need to be set up.

Ms. Singer said she checked some of the resources they had used in the past for zoning language examples and the common denominator was that live music would usually be 600 feet from residential properties. Ms. Dale said none of the current venues would meet that distance and it would be too restrictive. Ms. Kopanski said part of that is by design and in neighborhoods like the Hidden Beach and Crow's Nest areas, the restaurant/bar part of the property was designed that way in the beginning. You could not make them go back without completely saying no music. Ms. Dale agreed and said that is what is in the code. There is no music and there would be no changes necessary to accommodate that. Mr. Tuttamore said where he lives, he can hear some pretty loud parties and music that go late into the night coming from Camp Runinmuck. Ms. Kopanski said there is usually a noise hour restriction. Ms. Dale said there is language for that in the noise resolution and if it were a business playing music late into the night, as opposed to a private person playing loud music at their property, she would assume everyone would be aware of it. Ms. Kopanski said there is a difference between the residents playing loud music and the business providing loud music.

Mr. Tuttamore asked if businesses were allowed to use a tent for their live music now. Ms. Dale said no because nobody is allowed to play any outdoor music. She said she thinks that everyone is forgetting or ignoring that the code says no outdoor music period. She said the goal is trying to relax that restriction and allow it in a way that is responsible. Ms. Dale stated that there are several issues with Camp Runinmuck and where their live music is being played. The live music comes from the front of the business in an unpermitted shelter. She said there are several issues which will need to be addressed there. She said if there is noise going on from that property late into the night, the police should be called, and the noise resolution would be enforced by the police department. There are specific hours when noise must stop and gave examples of the hours that she thought they were currently. Ms. Dale said in Section E she was trying to address the situation of a current pre-existing building that is already in place whether it is detached or a covered porch. She said the space where the stage would be set up could be no more than 200 square feet and the space where the band would be set up must be enclosed on three sides with a roof.

Ms. Singer said she imagines that there will be more restaurants on the water in the future. She said if you have your restaurant configured to take advantage of the view of the lake, with an outdoor patio that runs along the lake, it would be difficult to build a bandstand for outdoor music that would not impair the view of the lake. Ms. Kopanski asked if there had been any feedback from any bars or restaurants regarding this. Ms. Dale said this information had not been shared with any of them at this point. Mr. Tuttamore said he is sure there will be once the public hearings begin. Ms. Kopanski agreed. Ms. Dale said then they can just go back and leave the code the way it is and enforce that there is no music outside. Ms. Kopanski stated the bar/restaurants may have other building options that could be considered. Ms. Singer said they may have a different option that does not require a three-sided pavilion where you want to have your live music. Ms. Dress said there are options in the proposed language. Ms. Dale agreed and said they could make it all glass, and they can think about where they are going to put it. She said Hidden Beach Bar did that and did not want to block their view, so they put the music off to the side. Ms. Singer said that structure only has the back side now and protects the condos, so they would need to enclose it with something on the sides. Ms. Dale said they could also put some "V" shaped walls off the back posts to comply. Ms. Dale said they are an example of a structure that is new and they set it up in a way that would not obstruct the views. Ms. Kopanski said garage doors or retractable walls would offer more options where they do not always block the views and could be moved when live music was not being provided. The walls do not have to be fixed all the time, and it does give you more options of how those walls are constructed to optimize the space.

Ms. Dale said if you look at how Cleats is set up, when they do have outdoor music, they have the band or person playing with his back to the wall of the restaurant facing the patio. They would have to put something on the sides of where the person is normally located to keep it projecting to the patio. If they decided to move the music to another location on the patio, they would just have to make the walls and roof comply and it would be up to them where it would be placed exactly. That is up to them to decide. Ms. Singer said if she owned Cleats, she would have the music set up at the western end of the patio and would project the sound out towards the houses at an angle. She questioned whether new regulations would solve that problem. Ms. Dress said the music must be directed towards the bar. Mr. Tuttamore said the language says it must be directed towards the bar. Ms. Singer said it would still be directed towards the bar but angled so the sound would go out towards the residents too. Ms. Kopanski said in most instances you are going to angle it, so it is coming towards the marina and the bar. Ms. Dale questioned why they would have music angled away from the business. Ms. Singer said the music is going to carry towards the right as well into the residential area if it angled towards the patio and the glass on the west side of the restaurant. Ms. Kopanski said Cleats has been there a long time and there is something to be said for building or buying a house knowing the business is already there. Ms. Singer said that it may be an attraction for some people. Ms. Kopanski said in the area around Hidden Beach

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Bar, there are people who want to be in the middle of that action and there are people who do not. She said it works out great if you want to sit outside on your deck and listen to music.

Mr. Tuttamore said he has chosen not to call the police in the past due to bands because when you walk inside some of the bars with music inside it is too loud and you cannot hear yourself. He continued that you can also choose not to go to those places. His remark was agreed upon by several other Zoning Commission members. Ms. Singer said she would rather go listen to music in an establishment when it is outdoors. She stated they need to do something to encourage music, but also to have limits on it so they protect the residential owners. She said she wanted to make sure they were not too restrictive with future and existing businesses. Ms. Kopanski said this is just a starting point and after a public hearing, someone may come up with a brilliant idea which makes a lot of sense. The language can be added to or changed as more feedback is received from the businesses. The Trustees also consider these meetings in their decision making. Ms. Singer said she never wants to criticize something if she cannot offer a better solution, which is what she is looking for. Mr. Tuttamore said the bottom line is the Zoning Commission's job is to look at this language and make suggestions in developing it, but the Trustees can do whatever the Trustees want to do. They have the ultimate say and do not have to agree with what the Zoning Commission recommends or what the public hearings say. Ms. Kopanski said the public meetings are going to happen and what the people say there can influence the Trustees one way or the other.

Ms. Dale said the alternative is to go back to the language as it is and then nobody gets outdoor music. She said she does not think anybody really wants that, even the Trustees have expressed that they do not want that. They know that the music and outdoor entertainment draws people in and we obviously have a very short summertime. They do not want to restrict the no outdoor music but need to have some restrictions in place. From the Zoning standpoint, location must be addressed so the bandstand or music area is not set up so far from the bar that it gets turned up louder and louder so that the people in the bar can finally hear it. She said she understood what the concern was with the three sides, but said the Trustees were pretty non-negotiable on that type of requirement. Ms. Kopanski said there are ways to make an area have three sides without it having to be a shed or hut type of structure. Ms. Dale said if you take Boondocks and the barge on which is where their music is played, which is parked at a dock outside their bar. There have been numerous complaints about the sound. They put a metal roofed four-post gazebo on top of the barge, but now they would have to put a backdrop and some sides on it to project the music towards the bar and not across the water and into Catawba. Ms. Kopanski said music right on the water was going to carry. Ms. Dale said she heard music near her in Catawba but could have been coming from a variety of establishments based on how the wind was blowing. Ms. Kopanski agreed that the wind direction and lay of the land projects the music out, but you cannot regulate the wind. Ms. Dale said she thinks keeping the stage area small helps to control how big the entertainment is and keeping it kind of close to the building helps with the sound. The three sides were what the Trustees have said they wanted. Ms. Singer there are weather resistant acoustic panels that can be removed. Ms. Kopanski said that is what she was thinking when suggesting foldable sides. Ms. Dale said regulating materials is an area she does not want to get into.

Mr. Tuttamore asked if they could just say they are going to allow music now and it must stay within the decibels. Mr. Huber said they could regulate the decibels allowed and just enforce that. Ms. Dale said that is already in the noise resolution. Ms. Kopanski said the Trustees want to go beyond that. Mr. Tuttamore said technically they are not allowed to have music outside anyway. Ms. Kopanski said she remembered when the Crow's Nest happened. It went from no music outside to actual concerts, and not just a three-man band, actual concerts. It was standing room only type of stuff and it was a big deal. It went from a little restaurant and suddenly hosting big concerts in their neighborhood. The neighbors were vehemently opposed, but there were no regulations preventing it at that point. The language was then changed, and it got better and people calmed down. Ms. Dale said she wanted to stay away from decibel language in these restrictions because then you have to have a decibel meter. The Township had been legally advised that the decibel meter reader, which is similar to a breathalyzer, has to be calibrated and certified on a strict schedule. She said that should be left to the police department and she would not be willing to go out and measure decibel levels to enforce a decibel restriction in the Zoning language. The Trustees have agreed to leaving that to the police department.

Ms. Kopanski said it is a framework that can be tweaked and changed once the public gives their input and the Trustees see what everybody thinks. Ms. Dale said if this requires further discussion, she would like the Zoning Commission to initiate the street language changes to get those moving. She said she would work on fixing the outdoor entertainment language to reflect some of the Zoning Commission's suggestions. Those suggestions covered specific language and where speakers and peripheral equipment must be located. Ms. Singer said she would suggest changing some of the language covering the side wall requirements and how they could be constructed. Mr. Tuttamore said her suggestion could open it up for the walls to be built of materials that would provide no sound proofing.

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Mr. Tuttamore then pointed out that one thing they had not considered was the fact that based on how the structure was built and positioned the band or performer was going to be sweating profusely due to lack of air flow through it, especially if they are blaring electronic instruments. Ms. Kopanski said that it is a concern with the speakers also being inside. Ms. Singer said if you used Hidden Beach Bar for example, the sun and sunset are glaring onto the performer, and in the past, she has been worried about them fainting. They at least get airflow with it being open on the sides. If they were enclosed on three sides, they would not. Ms. Kopanski said the Trustees want three sides though. Mr. Tuttamore said they could always put air conditioning in it. Ms. Singer said at some point it becomes cost prohibitive for the business, and it is a big draw for them in the summer and earning money. Ms. Kopanski said it sounds like it would be a good plan to separate the streets from the entertainment so that they are two separate issues. Ms. Dale said anything related to the music would not be initiated tonight and would be added to next month's agenda for discussion. She said she would pass the Zoning Commission's objections about the entertainment requirements onto the Trustees for them to consider. The Commission members asked Ms. Dale to ask about the walls not having to be fixed and that they could be removable to preserve views and ventilation. Ms. Dale clarified that their major concerns were with how the structure would have to be constructed and the requirement for three sides. The Zoning Commission members agreed that they were okay with it being roofed but did not want to see a requirement for it to be so enclosed. Ms. Singer addressed her concerns with loss of revenue and the expense a bar or restaurant would have to go to in order to provide music under strict structure requirements. There was discussion about what other area communities require and whether those communities were providing something that Danbury Township was not. Ms. Singer said it is much different if it is just a single guy strumming a guitar and singing relaxing music. Ms. Dale said a single guy playing a guitar against a building was totally different than a five-piece band coming in. Ms. Singer said if they did not have the three-wall requirement it would accommodate both. Ms. Dale said she was not going to try to differentiate genres or band sizes in this language. Ms. Singer said being restrictive to a back wall and roof would actually fit more applications. Ms. Dale said it comes down to the side walls that everyone seems concerned about. The Zoning Commission members said that is their main concern. Ms. Dale said she agreed with what Mr. Tuttamore had said about making it a hotbox where entertainers were not going to want to play in that environment.

Ms. Dale asked for a motion to initiate in April for everything related to Streets, Street Right of way, Storage Units, Parking and Fences. Ms. Singer made a motion to initiate the language. Ms. Kopanski seconded the motion. Mr. Tuttamore asked if the language making the street side parking signs could be made retroactive and be applicable to established neighborhoods. He said with the construction going on in his neighborhood and people parking where they want, there is no way a firetruck would be able to get through if there is a residential fire. They would have to drive over lawns to get there. Ms. Dale asked if his street was public or private. She suggested speaking to the Trustees or contacting the Roads Supervisor to see about having signs placed. Ms. Kopanski asked if the Fire Marshal or Fire Chief would be able to have any pull on something existing.

Ms. Dale asked if they could give the all aye or nay vote on initiating the Street language before discussing anything further. All parties said Aye.

Ms. Dale said what they are doing now is having fire personnel go into areas now and making the vehicles move. This is for campgrounds, streets and for business parking lots. The Fire Chief has had to go into businesses and have a conversation with them about signage and parking. She said Mr. Tuttamore's HOA could contact the fire department and have them come out and see if it is an issue and what can be done about it. If the Fire Chief thinks it is a problem, he can contact the Roads Supervisor about signs being placed since it is a public street. If there is a problem with a private roadway, it would be the residents or HOA's responsibility to pay for and place signs.

Other Business

There was none.

Reports and Communications

There was none.

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Adjournment

The Chair asked for a motion to adjourn. Ms. Kopanski moved to adjourn the meeting and Mr. Tuttamore seconded the motion. All Ayes. The motion carried.

The meeting was adjourned at 7:45 p.m.

Kathryn A Dale
RECORDING SECRETARY

Susan Dress
Susan Dress

Jodi Kopanski

Barbara Singer

William Tuttamore
William Tuttamore

Vito Kaminskas
Vito Kaminskas

ZONING COMMISSION

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