

ARB MINUTES

May 14, 2007

The ARB held a regular meeting on Monday, May 14, 2007 at North Royalton City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Ed Kundla at 6:00 p.m. Roll called.

Members Present: Ed Kundla, Joe Kapitan, Frank Castrovillari and Ray Priest  
Donna Babinec (Secretary)

Members Absent: None

Others Present: Donna Vozar and Tony Sandora

**1. New Business:**

None.

**2. Old Business.**

- A. Gary Moyle, Site Plan Approval. Chairman Kundla stated that the application had been tabled for more information. Since there has been no further information provided, he makes a motion to remove the application from the table. Mr. Kapitan second. No discussion. Motion carried 3/0.

Chairman Kundla stated that a letter should be sent to Mr. Moyle advising that his application had been removed from the table. Mr. Kapitan stated that the ordinance has been in effect since February 2007. Mr. Castrovillari asked if Gary Moyle had been on the agenda before February. He thought that, if they had been on the agenda before February, they should get a letter, if put on the agenda after February, just take them off the table and vote on application.

Donna Vozar asked to be heard regarding the ordinance. She stated that the ordinance was changed from 1264.11 to 1264.04 in February 2007. It is her understanding that the 30 day restriction has been in place since the inception of ARB. She thought the Board was discussing the application of an applicant who had already received correspondence from ARB. Since Gary Moyle did not get notice, due process demands that they have an opportunity to come forward. She recommended that the ARB secretary send a letter to them

giving them two meetings to appear before the application is voted on by the Board.

Mrs. Babinec stated that she would get letters out to all applicants that had been tabled and would do so immediately.

Mrs. Vozar stated that, since Gary Moyses did not receive a letter, the ARB must leave them tabled to send the notice. The Board should then reconsider their motion to give Gary Moyses due process. She further stated that all tabled applications should remain tabled and given notice.

Mrs. Babinec asked permission to ask a question regarding tabled applications and then stated that both Gary Moyses and American Family Insurance had never appeared before the Board, should they receive the same letter. Mrs. Vozar replied that they should receive a letter telling them to come forward. The law department will review applications to determine what, if anything, is causing a delay in the application process.

Chairman Kundla stated that he would make a motion to reconsider the vote in order to put Gary Moyses back on table. Mr. Kapitan second. Motion carried 3/0. Chairman Kundla asked Mrs. Babinec to send a letter to Gary Moyses to advise that their application will be reviewed as submitted, and, if denied, they will have to reapply.

Chairman Kundla moved to re-table Gary Moyses. Mr. Kapitan second. No discussion. Motion carried 3/0.

- B. American Family Insurance. Sign approval. Mr. Kundla asked secretary to send a letter to Applicant and moved that application remain tabled. No discussion. Mr. Kapitan second. Motion carried 3/0.
- C. Stevens Painton. Building Sign Approval. Chairman Kundla stated that a letter should be sent to Applicant and moved that the application remain tabled. Mr. Priest asked if Stevens Painton is waiting for approval elsewhere. Mrs. Vozar replied that she would go over the application to see if that is the case. Chairman Kundla asked Mrs. Vozar if, when an applicant asks for a continuance, can it be more than thirty days. Mrs. Vozar replied that, pursuant to 1224.08, under no circumstances can it be delayed more than thirty days and if that becomes a problem, counsel can look into that. Mr. Castrovillari asked if they can continue to leave an application tabled if the Board knows why the

application is being delayed. Mrs. Vozar replied that failure to take action within the thirty days would theoretically approve the application. The Board needs to go forward on the application to prevent the applicant getting de facto granting of their application. Chairman Kundla asked secretary to send letter to applicant and moved to keep Stevens Painton tabled. Mr. Kapitan second. No discussion. Motion carried 3/0.

- D. C&C Management. Site plan approval. Chairman Kundla asked secretary to send letter to applicant and moved to keep the application tabled. Mr. Kapitan second. No discussion. Motion carried 3/0.
- E. Elizabeth Orosz. Site plan approval. Chairman Kundla stated that secretary should send letter to applicant and moved to keep the application tabled. Mr. Castrovillari second. No discussion. Motion carried 3/0.
- F. Royaltondale. Building sign and sign insert approval. Chairman Kundla stated that a letter had been sent to applicant advising that they should appear before ARB no later than 5/30/07 and moved that application remain tabled. Mr. Castrovillari second. No discussion. Motion carried 3/0.

**4. Update from Legal. None.**

**5. Approval of Minutes of April 23, 2007 meeting.** Chairman Kundla asked if there was any discussion regarding minutes from April 23, 2007 minutes. No discussion. Motion was then made by Chairman Kundla to approve minutes as submitted. Mr. Kapitan second. Roll called. Motion carried 3/0.

**6. Miscellaneous.** Chairman Kundla stated that approximately one week prior to this meeting, he met the Mayor, Mike Kosdrosky, Mr. Sandora and Paula Recker at the Target Store in North Olmsted. The others had been to a Walmart in Elyria and to Crocker Park to see other retail big box stores. Chairman Kundla advised them that the store in North Olmsted was a good example of breaking the front elevation into horizontal and vertical planes and that by changing the shape, texture, color and material it could still remain a cohesive building design. He believed the Target store design to be a good example of the North Royalton ARB legislation.

Mr. Castrovillari stated that the ARB legislation already limited the square footage. Chairman Kundla stated that there is language in the legislation that give discretion to exceed 65,000. Mr. Castrovillari asked who has the power to say yes or no. Chairman Kundla stated that he did not know. Mr. Priest stated that it is part of the ordinance and that council,

planning commission and ARB make a joint decision. Mr. Sandora stated that it is by agreement of all three. Mr. Kapitan asked Mr. Kundla if the developer was also present and Chairman Kundla stated that it was only City officials.

**6. Adjournment.** Chairman Kundla moved to adjourn at 6:22 p.m. Mr. Kapitan second. Roll called. Motion carried 3/0.

Approved: \_\_\_\_\_  
Chairman - Architectural Review Board

Attest: \_\_\_\_\_  
Secretary - Architectural Review Board

Date: \_\_\_\_\_