

Planning Commission Caucus 7:15 P.M. - Wednesday, June 6, 2007

Present: Mayor Cathy J. Luks, Victor Bull, Vice Chairman, Tony Sandora, Chairman, Anne Reinkober, Don Willey, Council Representative to Planning Commission, Paula Recker, Lisa Uffman Kirsch, Council Ward Six, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner, Larry Antoskiewicz, Council Ward Five, Harry Stark, Mr. and Mrs. Damas, Dwayne Cook, Dino Diorio, Wendy Milicic Kovarik, Applicant, Residents, Brenda L. Fashempour, Secretary.

Regular Meeting

Call to order.

Roll call.

Approval of minutes: May 16, 2007. Motion to approve, second, roll call.

Old Business

Recreation Allocation - Abbeyville Townhouses - Tabled. No Action.

Abbeyville Townhouses - Preliminary Plan Approval for 38 Townhouses. Tabled. No Action.

Columbia Gas of Ohio - Tabled. No Action. 90 day time extension.

Columbia Gas of Ohio - Tabled. No Action. 90 day time extension.

Rivers Edge Subdivision - Sketch Plan Approval. Tabled. No Action.

Elizabeth Orosz- Site Plan Approval. Tabled. Letter received, remove from table, motion, second, roll call. Motion to remove from Agenda. Second. Roll call.

C & C Management Group, LLC., Carlo Chiuchiarelli - Site Plan Approval. Tabled. No Action.

Stevens Painton Corp., Building Sign Approval. Tabled. No Action.

at&t - Tabled. No Action.

Gary Moyse - Site Plan Approval Tabled. No Action.

Conditional Use Permit - Ovindoli Investments, LLC, Carlo Chiuchiarelli - Frank Colabianchi - Farming 25 ± acres. Tabled. Ms. Fashempour stated that she had received an email from Mrs. Damas which stated, I note on the May 2nd information that there appears to be some information missing. The Law Director clearly stated that he had a conversation with Mr. Chiuchiarelli and said to him that he should not have been allowed to file for the Conditional Use Permit. I do not see that noted in the minutes. I am sure since there is a great deal of interest in this particular agenda, the residents affected would want to know all the information that was presented - and that piece of information is quite important. Not all residents attend the meetings, but since this is public record, may review the minutes on line. Ms. Fashempour stated that she responded back, I checked my notes from the May 2nd caucus and found no mention that Mr. Chiuchiarelli should not have been allowed to file for the conditional use permit. At our next Planning Commission Caucus/Meeting on June 6th, 2007 she would ask the Planning Commission Members and Law Director of clarification and will make any corrections/amendments. Ms. Fashempour stated that the caucus is not taped. Mr. O'Donnell stated he can't remember what he had for lunch yesterday let alone what he said but was sure he didn't say that at the meeting, he did have a conversation with Mr. Chiuchiarelli. Mayor Luks stated then for the record it should be stated, Mr. O'Donnell did have a conversation with Mr. Chiuchiarelli privately but did not remember saying that he should not have applied for a Conditional Use Permit at the Caucus. Mayor Luks stated so it is as stated will be included in the caucus minutes and no amendment. Chairman Sandora stated we won't need the amendment. Ms. Fashempour went on to tell the Board that she had received and read the letter from Mr. Chiuchiarelli who asked to be removed from the Agenda. Ms. Fashempour stated so she will need two motions, one to remove from the table and the second to remove from the agenda and refund the application fee. Mr. Willey asked why? Ms.

Fashempour replied that was a request by the Law Director. Mr. O'Donnell stated he would like the application fee refunded. Empire Tanning, Sign Approval. Tabled. If Applicant is present, motion to remove table. Second. Roll call. Motion, second, roll call. Tony D'Abramo, D-5 LLC - Temporary Real Estate Sign Approval. Tabled. No Action. Tony D'Abramo, D-5 LLC Site Plan Approval. Tabled. No Action. Tartan Development Company, Imogene Huffman, Joseph Popovich, Lots Splits/Consolidations. Tabled. Motion to remove, second, roll call. Discussion, motion, second, roll call. Recreation Allocation - Chesapeake Subdivision No. 5. Tabled. Motion to remove, second, roll call. Discussion, motion, second, roll call. Chesapeake Subdivision No. 5 - Preliminary Plan, Tabled. Motion to remove, second, roll call. Discussion, motion, second, roll call.

New Business

Sign Approval

Royal Park Condominiums - discussion, motion, second, roll call.
Pro Driving School, discussion, motion, second, roll call.
Avis, discussion, motion, second, roll call.
Continental Fine Jewelry, discussion, motion, second, roll call.

Sign/Exterior Remodel

KFC, discussion, motion, second, roll call.

Site Plan Approval

Nick and Rose Carosielli, discussion, pending variance, BZA, motion, second, roll call.

Lot Split/Consolidation

Thomas W. and Karen J. Dragunas, discussion, motion, second, roll call.

Utility Plan Approval

at&t, 5525 Bunker, discussion, motion, second, roll call.

Miscellaneous

Oakridge Estates Swim Club, Inc., Meagher. Motion to add to Agenda, second, roll call. Discussion, motion, second, roll call.

Adjournment

Motion to adjourn. Second. Roll call.

Planning Commission Caucus ended at 7:26 P.M. Wednesday, May 16, 2007.

Chairman Sandora stated Good Evening Ladies and Gentleman, welcome to the North Royalton Planning Commission for June 6th, 2007.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, June 6, 2007 in regular session. The meeting was called to order by Chairman Tony Sandora at 7:30 P.M.

Chairman Sandora stated Ms. Fashempour, please call the roll.

Present: Chairman Tony Sandora, Mayor Cathy Luks, Don Willey, Council Representative to Planning Commission, Vice Chairman Victor Bull, Anne Reinkober, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer, Rito Alvarez, Building Commissioner and Brenda L. Fashempour, Secretary.

Opening Ceremony - Pledge of Allegiance. Chairman Sandora stated please stand for the Opening Ceremony - The Pledge of Allegiance. Pledge of Allegiance recited.

Approval of minutes: May 16, 2007. Ms. Fashempour stated Approval of Minutes, May 16th, 2007 is you so choose. Don Willey stated so moved. Victor Bull stated second. Chairman Sandora stated it's been moved and second for the approval of minutes. Chairman Sandora stated Ms. Fashempour please call the roll. Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Old Business:

Recreation Allocation - Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b) although Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses - Approval. **Tabled.**

Ms. Fashempour stated Abbeyville Townhouses for the Recreation Allocation, tabled. No action.

Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning. Preliminary Plan Approval for 38 Townhouses. **Tabled.**

Ms. Fashempour stated Abbeyville Townhouses for the Preliminary Plan Approval for 38 Townhouses, tabled. No action.

Columbia Gas of Ohio plans to install 1080' of 3" and 1800' of 2" new plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way - Approval. **Tabled.**

Ms. Fashempour stated Columbia Gas of Ohio is tabled, she is however going to request a ninety day time extension.

Don Willey stated motion to extend for 90 days.

Chairman Sandora stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll for a 90 day extension.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Columbia Gas of Ohio plans to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive S., Berkshire Way and Bentley drive - Approval. **Tabled.**

Ms. Fashempour stated Columbia Gas of Ohio it is tabled there will be no action this evening, she is however going to request a ninety day time extension.

Don Willey stated motion to a extend for 90 days.

Chairman Sandora stated second.

Chairman Sandora stated it's been moved and second for a ninety day extension, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Reinkober, Mayor Luks, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

River's Edge Properties, LLC, **Rivers Edge Subdivision**, PPN 485-12-006 and PPN 485-11-001, Bennett Road, Rural Residential Zoning. Sketch Plan Approval. Tabled.

Ms. Fashempour stated Number 5, River's Edge Subdivision for the Sketch Plan Approval, it is tabled, no action.

Elizabeth Orosz, 13846 Bennett Road, PPN 482-34-009, Town Center District - 1. Site Plan Approval. Tabled.

Ms. Fashempour stated it is tabled, she did receive a letter today from Ms. Orosz.

Ms. Fashempour read the following;

To: Brenda Fashempour

Please remove me from the Agenda of the Planning Commission, she changed her plans.

Thank You.

Elizabeth Orosz.

Ms. Fashempour stated so if you so choose, she needs a motion to remove it from the table and then she will need a motion to remove it from the Agenda.

Don Willey stated so moved to remove from the table.

Victor Bull stated second.

Chairman Sandora stated it's been moved and second to remove it from the table.

Chairman Sandora stated Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Ms. Fashempour stated now if she can get a motion to remove it from the Agenda.

So moved Mayor Luks.

Second Don Willey.

Chairman Sandora stated it's been moved and second to remove Elizabeth Orosz from the Agenda, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been removed.

C & C Management Group, LLC., Carlo Chiuchiarelli, 8959 Ridge Road, PPN 489-04-004/005, Local Business Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated C & C Management Group, LLC., Carlo Chiuchiarelli, it is tabled, no action.

Stevens Painton Corp., PPN 483-26-001 and 483-26-005, Royalton Road AT York Road, SW corner, General Industrial Zoning. Building Sign approval. Tabled.

Ms. Fashempour stated Stevens Painton Corp., for a Building Sign Approval, tabled. No action.

at&t request permission to place a six (6) inch drain pipe from at&t's manhole located at the north west corner of Royalton and Ridge Road. at&t proposes to place the drain pipe on the north side of Royalton Road (SR 82) in the tree lawn and extend west to a road crossing (by boring under the pavement) east of the Fire Department's apron at 7000 Royalton Road to the front of 7005 Royalton Road to an existing catch basin. - Approval. **Tabled.**

Ms. Fashempour stated at&t for Royalton and Ridge Road, tabled. No action.

Gary Moyse, Royalton Road, PPN 483-31-008, 483-31-009, General Industrial Zoning. Site Plan approval. Tabled.

Ms. Fashempour stated Gary Moyse, Site Plan Approval, tabled. No action.

Conditional Use Permit for Ovindoli Investments LLC, Carlo Chiuchiarelli-Member, Frank Colabianchi-Member, Property Owner Wilbur Cartwright Trust, Evelyn Cartwright, Trustee, PPN 481-04-050, Abbey Road, R1A Zoning. Ovindoli Investments LLC request to obtain a Conditional Use Permit for farming 25± acres of soybeans, corn, wheat and straw at PPN 481-04-050, Abbey Road. There will not be any selling to the general public on this site. All harvest will be removed from property. Requesting a 36 Month Conditional Use Permit. Ovindoli Investments LLC feels that by farming this land they can generate revenue to offset expenses. Ovindoli Investments LLC proposes to install an access drive for the farm equipment off of Abbey Road and this drive would not adversely affect any of the surrounding properties - Approval. Tabled.

Ms. Fashempour stated it is tabled, she did receive a letter today from;

Ovindoli Investments LLC
10300 Royalton Road
North Royalton, Ohio 44133

June 6, 2007

To: Brenda, City of North Royalton

From: Carlo Chiuchiarelli.

Please remove us from the Planning Commission agenda for our property on Abbey Road in North Royalton.

Sincerely,

Carlo Chiuchiarelli
Carlo Chiuchiarelli-Member

Ms. Fashempour stated so if you so choose, she needs a motion to remove it from the table and then a motion to remove it from the Agenda and a to refund the application fee.

Don Willey stated motion to remove from table.

Anne Reinkober stated second.

Chairman Sandora stated it's been moved and second to remove from the table, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Mayor Luks stated Mr. Chairman she moves that we remove it from the Agenda and refund the application fee.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Motion carried.

Chairman Sandora stated it has been removed.

Empire Tanning, 6828 Bunker Road, Local Business Zoning. Sign Approval. Tabled.

Ms. Fashempour stated she believes that the Applicants are here this evening, they are, if you so choose she needs a motion to remove it from the table.

So moved Don Willey.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded, to remove from the table, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been removed, the Applicant is here, please step forward, state your name, home address, speak into the microphone, you are being recorded and tell us what you wish to do.

Hello my name is Dino Dioro, he represents Empire Tanning, he resides at 4181 Tamarack Drive.

Wendy Milicic Kovarik for The Den Too, she resides at 7385 Cady Road in North Royalton.

My name is Dwayne Cook, he is ABC Signs. Mr. Cook stated he is trying to erect a sign, his homes address is 15241 High Point Road in Strongsville. Mr. Cook stated since the last meeting, we had a onsite meeting with Mr. Alvarez and Mr. Hartman, we discussed, we filled out the paper work moving the sign to the middle of the parking lot with the 50 spaces from the residential side on the east side and also making sure that it is 25' from the edge of the road. Mr. Cook stated we have had a meeting with a The Illuminating Company, we reviewed what's going to be done and trenched, we have contacted and have information with our Contractors that are going to put in the power and the trenching, pieces there and submitted so based on the meeting notes and so on that you saw submitted were now all within the regulations of the City so we are just asking to be approved to go to the Architectural Meeting next.

Chairman Sandora stated okay, Thank You Sir.

Chairman Sandora stated Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated that's correct, we did meet that one day at the site. Mr. Alvarez stated as far as the allowable square footage of the sign, it is well within the maximum allowable of 80 square feet. Mr. Alvarez stated the height is a, it is 7' high. Mr. Alvarez stated again he is looking at the site plan, he realizes you are going to comply in terms of the setback requirements, we still ask that you actually put that on the site plan, the site plan didn't show any dimensions in terms of side yard setbacks, at least the plan he got.

Mr. Cook stated okay.

Mr. Alvarez stated so a, his understanding is that you will comply with the setbacks.

Mr. Cook stated all right, he will update that and get that turned back in.

Mr. Alvarez stated okay.

Mr. Alvarez stated the other thing that he would recommend again because a we are talking now construction details verses what you are submitting here for us to approve. Mr. Alvarez stated you would probably, you are to, need some construction details definitely to submit to the Building Department, construction of a the two columns if there is a pad for it and then the electrical as well, how you are going to get to the sign.

Mr. Cook stated okay.

Mr. Alvarez stated and that would have to be submitted to us for review under the Building Codes.

Mrs. Kovarik stated does that have to be now or.

Mr. Alvarez stated no, you, you will make a formal application to Building Department upon approval of this and he has no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, he has no further comments on the new information that was submitted.

Chairman Sandora stated okay, Thank You, anybody on the Board.

Don Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Don Willey stated he just has one question, in the, the picture you show it's very attractive by the way, it shows a flag pole, is that an existing flag pole at this site.

Mr. Cook and Mrs. Kovarik stated yes.

Don Willey stated so you will have to take that flag pole down in order to construct the monument.

Mr. Cook stated the flag pole is being just moved over, it's a, it'll have to removed and set back up yes.

Don Willey stated okay, all right, Thanks.

Don Willey stated he assumes that's within the conformity of it, Building Codes, Thank You.

Mr. Cook stated he will put that on the plans and we will turn it in and comply fully on the other.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated he has a just a one thing also, on this new, on the new, on the sign that's going to be erected okay, you will need to put the address numbers on the vertical side of that for the Fire Department.

Mr. Cook stated okay.

Mrs. Kovarik stated on the front part right.

Chairman Sandora stated he means, facing the street.

Mr. Cook stated the pillar side facing the street.

Mrs. Kovarik stated okay.

Chairman Sandora stated on the pillar side facing the street.

Mr. Cook stated yeah.

Chairman Sandora stated okay and um.

Ms. Fashempour stated 4" height.

Chairman Sandora stated yeah they have to be 4" in height.

Mrs. Kovarik stated do we put both addresses or just one or what do you required.

Don Willey stated look for the smoke.

Ms. Fashempour stated probably should put both.

Mrs. Kovarik stated both, 4".

Ms. Fashempour stated yes.

Chairman Sandora stated if you drive around the City at other places, like the gas stations on the corner you will see it, it's on the vertical sign, how they put their numbers on it.

Mr. Cook stated okay.

Chairman Sandora stated and also you will need to have a landscaping plan.

Mr. Cook stated that was submitted, that's in there.

Chairman Sandora stated okay, it's, you will have to show it on your drawing, you will have to be probably more, a little more specific when you go to the.

Mr. Cook stated it's, it's, listed there the number of bushes and that.

Chairman Sandora stated he is being corrected here by the Secretary, he apologizes.

Mr. Cook stated oh, okay, sorry.

Chairman Sandora stated anybody else on the Board.

Mayor Luks stated Mr. Chairman, she moves to approve.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, the motion also includes, into the motion, you have to meet all the requirements and the conditions of the Architectural Review Board.

Mr. Cook stated okay.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour, please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You.

Mr. Cook stated can he ask one more question please for the Architectural Committee is it ultimately moved to the Agenda for the next meeting.

Ms. Fashempour stated yes, you will be on for Monday night.

Mr. Cook stated good enough.

Ms. Fashempour stated here at 6 o'clock.

Mr. Cook stated okay, Thank You very much.

Ms. Fashempour okay.

Chairman Sandora stated Thank You.

Mrs. Kovarik stated Thank You very much.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Temporary Real Estate Sign Approval. **Tabled.**

Ms. Fashempour stated Tony D'Abramo, D-5 LLC, is there anybody here from D'Abramo, no, okay, so no action on the Temporary Real Estate Sign Approval.

Tony D'Abramo, D-5 LLC, Royalton Road, PPN 483-18-001 and PPN 483-18-017, General Industrial Zoning. Site Plan Approval. **Tabled.**

Ms. Fashempour stated Tony D'Abramo, D-5 LLC for the Site Plan Approval, it is also tabled, there will be no action.

Tartan Development Company, Imogene Huffman, Joseph Popovich, Part properties off Albion Road, PPN 482-08-003 and 002, R1-A Zoning. Lot Splits and Consolidations. **Tabled.**

Ms. Fashempour stated and to the Board, do you want to do 15, 16 and 17 all together, if so, she will read them and we can make one motion to remove them all from the table.

Chairman Sandora stated yes.

Recreation Allocation, Chesapeake Subdivision No. 5 - Tartan Development Company, extension of Chesapeake Drive, Part, PPN 482-08-003 and 002, R1-A Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b), although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses. **Tabled.**

Chesapeake Subdivision No. 5, Tartan Development Company, extension of Chesapeake Drive, Part PPN 482-08-003 and 002, R1-A Zoning. Preliminary Plan and Regional Storm Water Retention Basin Plan Approval. **Tabled.**

Ms. Fashempour stated she will need a motion to remove number 15, 16 and 17.

Don Willey stated so moved.

Victor Bull stated second.

Chairman Sandora stated it's been moved to remove 15, 16 and 17, Tartan Development from the Agenda.

Ms. Fashempour stated from the table.

Chairman Sandora stated from the table, he is sorry.

Chairman Sandora stated Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Reinkober, Mayor Luks, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated the Applicant here, please step forward state your name, home address and present to us what you have.

Good Evening Michael Mackay, 7017 Pearl Road, Middleburg Heights, Ohio 44130. Mr. Mackay stated we are here tonight, we have made the revisions on our plans that were submitted at the last meeting, those revisions that were requested by the City and in addition to that, we have obtained, excuse me, the Cleveland Water Department Approval for the extension of Chesapeake Drive and we have provided the signed approved plans to the Planning Commission so we are here tonight for approval of the Lot Split, Approval of the Recreation Allocation and Approval of the the Preliminary Plans for this Subdivision showing the Regional Detention Basin and in the alternative, in the event that the Regional Basin is delayed unreasonably then a, the a smaller basin and that's are request for tonight.

Chairman Sandora stated Thank You.

Ms. Fashempour stated Mr. Chairman she has one letter from the Zone's she would like to read into the record.

John and Christine Zone
9325 Chesapeake Drive
North Royalton, Ohio 44133

June 4, 2007

Brenda L. Fashempour, Secretary
North Royalton Planning Commission
11545 Royalton Road
North Royalton, Ohio 44133

RE: Proposed Chesapeake Detention Basin

Dear Brenda,

Because the Chesapeake flooding issue is currently being evaluated, and before any further action is taken, we would like to submit the following video for your review.

Ms. Fashempour stated the video was received in her office, Mayor Luks, Chairman Sandora, Vice Chairman Victor Bull, Anne Reinkober and Don Willey did view the video tape along with Clark Merdes the City Engineer, it will be part of the Planning Commission minutes.

On May 25, 2007, there was a short-lived thunderstorm in the afternoon that caused flooding on the Huffman and Popovich properties. The enclosed video was shot to bring to your attention the water problem that we have witnessed in the past during times of rain. Please excuse the feeble attempt to narrate the events that were being filmed. We

were just trying to show the location of the flooding that occurred from that storm. You will note a significant amount of water that flows from those two properties into the current Chesapeake ravine. This flooding continued well after the storm had stopped. We were not able to film the source of this water problem; however, we have been informed from other neighbors that there is some obstruction caused by building materials in an area behind a property on Ridge Road. Whether this obstruction has caused problems, or whether there are some other problems caused from the sewers on Albion that add to the flooding on Chesapeake, we do not know, however, it is apparent that there is substantial water from an unidentified source that is dumping into the Chesapeake ravine. Also enclosed are photographs of the flooding on those two properties and additional photographs that show the floodwater entering the Chesapeake ravine behind our home.

Because of this storm's flooding, we were looking at the enclosed wetlands map from the North Royalton Master Plan. On this map, you will note that the Chesapeake ravine appears to run much farther east than our property. We are perplexed as to the whereabouts of this section of the ravine. Perhaps this missing link needs to be studied further to see if this alteration in the natural routing of the ravine has significantly added to the current flooding situation.

Sincerely,

John and Christine Zone

Enclosures

cc: Engineering Department
Denise Bobulsky, Council Ward One.

Ms. Fashempour stated and this will also be included in the minutes.

Exhibit A - Letter, attachments, videotape.

Ms. Fashempour stated that's all she has Mr. Chairman.

Chairman Sandora stated Thank You Ms. Fashempour.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated Thank You Mr. Chairman.

Mr. Merdes stated he had previous comments which and were discussed at earlier meetings and the submittals that have come in have addressed all his comments as the Applicants have said so he would hold any further comments since they have addressed his.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated he has no comments Mr. Chairman.

Chairman Sandora stated to our Law Department do you have anything.

Mayor Luks stated Mr. Chairman if she may.

Chairman Sandora stated Mayor.

Mayor Luks stated if she could ask the Applicant for the record to discuss the timing of this and the small retention basin verses the regional retention basins and, and the commitment that you are willing to make on that please.

Mr. Mackay stated yes certainly Mayor.

Mr. Mackay stated the, the a plan showing the local basin would only be implemented if the regional basin did not move forward based on an unreasonable delay by the Army Corps of Engineer. Mr. Mackay stated he knows the City is pursuing that, that permit now and we all certainly feel that, that is very likely that, that will be approved but in the some smaller case, some minor situation, likelihood situation that, that does not occur then we want to be able to proceed with the local basin but we would only do that if it was deemed an unreasonable delay and we both agreed on that, the City and us and we have committed to that in our agreement that we have negotiated with the City to this point and we are committed to sign that agreement as it is now presently stated so.

Mayor Luks stated Thank You.

Mr. Mackay stated you are welcome.

Mayor Luks stated Thank You Mr. Chairman.

Chairman Sandora stated Law Department did you have anything you needed to add.

Mr. O'Donnell stated just that, a, we know that the Army Corps, your definition of unreasonable and his definition of unreasonable might not meet the definition of reasonable from the Army Corps.

Someone stated that's.

Mr. O'Donnell stated a, and he thinks you are aware that we do, the Mayor does have a meeting with them tomorrow, in fact to come out here and do a field inspection so hopefully our inaudible is going to move forward. Mr. O'Donnell stated he means he is satisfied he thinks, we, the same understanding of what an unreasonable delay could be, he assumes that, that would mean that we would have every reasonable effort to get the Army Corps to move forward and get this done but we all know how the Federal Government works so. Mr. O'Donnell stated but he thinks we can work with that.

Chairman Sandora stated do we have a, a, a reasonable time frame for this that you have negotiated, he means quite frankly he is a little concerned about not having this development go in without the Regional Basin and he really feels that the Regional Basin really needs to go in and we will not be putting ourselves into any sort of a, he means if you are comfortable.

Mr. O'Donnell stated he, he means, he knows the Applicants, he means they are, excellent reputations and he thinks that they will abide by the agreement a, you know the word reasonable is different in different situations, with the County Government reasonable could be three months, with the Federal Government it could be a year or two years, he knows

that the Applicant wants to move sooner than two years probably sooner than one year, but when you are dealing with the Army Corps of Engineers one can not expect to get approval in the 30, 60 or 90 day time frame. Mr. O'Donnell stated we hope we can do that but he can not guarantee that.

Chairman Sandora stated and then to the Applicant, in that case then, if it would carry on to a year, you, would you have a problem with that.

Mr. Mackay stated well, at, at, when it gets to that point of beyond even six months, we would come to the City and, and start talking to them, and say you know this is getting, because right now we expect it to be 60 days, so when you get to six months, yeah, were going, were going be talking with the, the, with the Mayor, the Administration and he, we won't be able to move until, we wouldn't be able to do anything until we get that agreement, it's, it'll, it'll it's, part of our commitment to you so we won't just go ahead.

Chairman Sandora stated okay, that is part of the agreement, that is part of the commitment then, they won't be able to go ahead without.

Mr. Mackay stated it's a mutual thing, it's a mutual understanding that we would have to reach.

Chairman Sandora stated and you are okay with that.

Mr. O'Donnell stated he didn't hear that because he was having a side bar conversation so.

Chairman Sandora stated do you want to repeat that for the.

Mr. Mackay stated what he said was that, after six months, if, were, you know we are expecting this to be done in 60 days or 90 days, if after six months we don't have any movement were going to be talking with you and, and the Mayor and the Administration about moving forward but we can not move forward with that local basin until the City Administration allows to agree, because we will have that commitment in our agreement and, and you know, legally we won't be able to do it so that's what we are saying is it's a mutual agreement before we move forward.

Chairman Sandora stated he, he just wants this on our, you know our record that everybody is sort of clear up here as to what's going on, anybody else have anything.

Don Willey stated Mr. Chairman, the, the only comment he has is, is, perhaps through, through our Administration, Legal Department, he, he thinks really time is of the essence if you decide not to build, because the preservation is going to be for you know for the residents over in that area to get that retention basin made and he, he would think that would constitute a serious emergency, an emergency one, for one person isn't necessarily an emergency for another but he, he would suggest that perhaps the City pursue that aggressively to see if a, he would be willing to drive to Buffalo with a letter.

Mr. Mackay stated Thank You Councilman that might help too.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated anybody, Mayor.

Mayor Luks stated Mr. Willey stated she just wants to assure you and everyone else that we, we are very aggressively pursuing this, we have had numerous conversations with the Army Corps as was stated the site visit is scheduled for tomorrow and he has asked the Kernel in Buffalo if he would give this any priority possible so, were, were, were continuing to aggressively pursue it.

Chairman Sandora stated Thank You Mayor.

Mayor Luks stated Thank You.

Don Willey stated terrific.

Chairman Sandora stated anybody else on the Board.

Chairman Sandora stated is there anybody in the audience that wishes to speak on this matter.

Chairman Sandora stated step forward please, state your name, home address.

My name is John Zone, he lives at 9325 Chesapeake Drive and he is, his wife and he wrote the letter to you folks. Mr. Zone stated we are quite concerned about the the flooding situation as he is sure everybody in North Royalton is. Mr. Zone stated and you know we think that the, the video that we submitted depicted significant flooding as he is sure you would agree in that area, we looked at the wetlands map that we got from the Master Plan and he submitted along with it and if you look at the wetlands map it shows that there is a wetland, a creek that runs up to and behind his property, it's actually on the property, the property owner lives on Albion Road. Mr. Zone stated the next property over the Huffman property that creek disappears and if you from the best that we can see, that creek should continue another 17 properties but we haven't seen that and nobody around us has seen it and if you actually walk back there you can actually see the barrels are buried and more recently, someone has taken a large 24 or 30" plastic corrugated pipe that's fairly new because you can still read the numbers on it, with fresh paint and they have tried to he guessed divert the water, when we saw the, the flooding that took place we were really surprised that it was that severe, that it was just rushing down off the Huffman property and in their minds the, the creek had it not been disturbed over the years and he is, he doesn't know who did, whoever the homeowners were and he is certain that possibly the Huffman's did it trying to get access to the back half of their property in in good faith they put barrels there to let the water run through while meanwhile they have disturbed a or someone he can't blame them, someone has disturbed this waterway and the a, we to have contacted the Corps of Engineers and he has a meeting with them right after your meeting Mayor because we are concerned that we are just putting a band aid on this problem. Mr. Zone stated and you know he doesn't know about engineering, he is not an Engineer, he is a Salesman by Trade but it just seems to him that if possibly this whole original waterway was reopened and established if that could possibly help the, alleviate the problem because if you walk back during a heavy storm where there is no creek is where there is heavy flooding, behind his house where there is a creek there isn't flooding, it, it fills with water but it goes down in a very a rapid pace but it, it does flow down

so we just kind of, kind of perplexed when he talked with the Army Corps and you know they informed him that, that they had spoken with you and you know we, were, were thinking that we have got to get this done and get it done once, and get it done right, we don't want to have somebody's legacy be built on the fact that the water problem was corrected or that somebody's financial gain was corrected or, or improved because of this quick fix, we just want to make sure it's done right so he doesn't care if this thing does take two years, he understands that there is a water problem but we have got to do this right because once people go in there and start taking trees down and start putting concrete basins in it's going to be to late, what are we going to go back and take it down, he doesn't think so but were, were just really concerned about the whole situation and, and it's our hope that you would table this until the Corps of Engineers comes back with their recommendation because they are the ones who are experts in the field, as he said, he is not and he doesn't know if any of you feel that you are an expert in this area but there are a whole list of properties there that need to be addressed and not just there's.

Mayor Luks stated Mr. Chairman.

Chairman Sandora stated Thank You, Mayor.

Mayor Luks stated if she could just respond to some of the issues and not, not, technical issues, she is not an Engineer either.

Chairman Sandora stated please.

Mayor Luks stated a, but she guessed what she wanted to say to you Mr. Zone is that a by no means are we rushing into this, this project was recommended by the Citizen's Oversight Flooding Committee in their June 2005 report. Mayor Luks stated that Committee worked with an Engineer who is an expert in these matters, who identified the the stormwater problem area in our City, formulated recommendations to improve those problems and then prioritized them in order of, of area impacted severity that type of thing. Mayor Luks stated and this project was actually given the highest priority of the many, many recommendations that came from that Task Force and that Consultants, this is being engineered with today's standards and the reason and you know watching your video, watching the video tape today it really struck her that it, to her proves our case that we need to hold that water up, up at the, on that property that's coming down there so rapidly, opening it up and again she is not an Engineer, opening it up she doesn't think is going to solve the fact that it's a drainage area that, that drains such a large area and all ends up down hill and floods hundreds of homes and so you know, we, we, this has been looked at for years.

Mr. Zone stated well with that in mind.

Mayor Luks stated this is, now, the only thing we are trying to speed is the Army Corps review process and it was explained to her by the Army Corps that the the review process takes so long not because it's so difficult or tedious to make the review but because you are waiting for everybody in front of you to be reviewed, reviewed first, it's volume, it's not, it's not the difficulty so she is certain that are asking them to speed up their review will not mean that they don't give it a thorough review, we are only asking to jump a little head in the line because we have hundreds of homes suffering property damage.

Mr. Zone stated uh um.

Mayor Luks stated as a result so she she just, she hopes that helps you to some degree to know.

Mr. Zone stated it does.

Mayor Luks stated this isn't about legacy, it isn't about profit, it isn't, it's about hundred of homes that for years have been suffering property damages and this is a way that the City can address that problem.

Mr. Zone stated okay, and following your comment then, the detention basin should be where all that water was gathered correct, yes, he means, you would think.

Mayor Luks stated but now you are asking engineering questions and she won't.

Mr. Zone stated well he is just saying.

Mayor Luks stated she, she'll save that for the Engineers.

Mr. Zone stated okay, but if you would think that where you can see all this flood of water was, that's where the detention basin should be which would be behind the properties that they want to develop and in his mind, moving that, that detention basin down beyond behind his property would devalue those properties when they go to sell them because whose going to build a very expensive home in front of a property that has a detention basin behind it, now, he has a buffer, somewhat of a buffer of trees, but it is still going to change the outlook from his backyard and he understands Mayor that you want to make sure that we help 100 people and not just him, but the problem is, his thoughts are then let's look at this area where all this water gathered because that's where the problem was, the problem wasn't behind his house, where the ravine was running was just fine but you can see where previous people went in there and put boulders up to change the flow of the water that's starts the ravine that's active behind his property currently and he thinks, he just, because he plans on showing the same video to Mark from the Army Corps of Engineers when he comes to his home tomorrow morning because he just thinks it is something that he doesn't know and you admit you don't know and he understands that you did have an Engineer but you also had a Citizens Committee, those citizens don't know any more than he does and he thinks that we need to make sure that the Army Corps of Engineer, they make the decision as to what the right way to handle this is. Mr. Zone stated that's all he has to say.

Chairman Sandora stated Mr. Merdes.

Mr. Merdes stated yeah, he will make a few comments.

Chairman Sandora stated do you want to go ahead.

Mr. Merdes stated yeah.

Mr. Merdes stated the, anything that is done in terms of stormwater is more or less an attempt to improve the situation. Mr. Merdes stated when it comes to stormwater, things that are built brand new in the past

are built to a, just a certain level of protection, there is always a storm that comes along and is bigger and bad and beats what's ever around. Mr. Merdes stated the other thing about stormwater is that by the time you get to the places that, that have the homes, that have water that floods into them it, it's, it's to late to, to get the water away from there that's why this is an attempt to get half way up the hill to trap and control what, what you are seeing, that look to try and control it way before it becomes a problem and the homes, the first time we are aware of it that, that this becomes an issue is not where you, you live on Chesapeake but before you get to York Road.

Mr. Zone stated uh um.

Mr. Merdes stated there are homes that instead of, when they, when it rains and they take a video camera and they take photos they don't have water running in, in the backland they show water running along side their homes, into their patios and after that the same water course continues to cause issues and concerns as it moves on the other side of York Road.

Mr. Zone stated he understands.

Mr. Merdes stated and, and on down, it's like a, it's like domino's falling.

Mr. Zone stated right, he has been down there and helped those people clean their yards.

Mr. Merdes stated the same water and once it starts.

Someone stated Sir.

Mr. Zone stated yeah, he is sorry.

Mr. Merdes stated and once the water starts to cause problems it's like the domino's falling from there on down.

Mr. Zone stated uh um.

Mr. Merdes stated and the location hasn't changed from, from 2005 when the report came about and even when, when this was first proposed at a sketch plan phase the, the, more or less the red flag went up that this location where these homes are being proposed is also the spot where this, this basin was proposed so there has been a, a large effort to cross the bridge or to to come to an agreement, you talk about the fact that that this is a a larger basin then then most places although they are getting larger as the, as they get built, there's getting more of them and they are getting larger but you talked about value and we have to talk about that between the City and the, the developer because as, it's an issue for you it's an, it was an issue for them and a lot of, a lot of concerns that, that you bring up have been, have been discussed and ultimately this is, this is viewed as an improvement, a, you don't get a solution because that's where he started the conversation about stormwater, it's not really, it's not really a solution it's just the City is seeking an improvement for the stormwater that's, that's in your backyard and then further on down the ravine it's in other people's back yards and, and then in people's homes, Thank You.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated and correct him if he is wrong but the Army Corps of Engineer once they get there and once they look at the situation and before they issue this permit for this, everything is going to have to be built to there, their standards and what they want so what you are saying when they come out it's going to be true.

Mr. Merdes stated well they won't, they won't give a permit unless you meet their requirements.

Chairman Sandora stated unless there standards, their requirements.

Mr. Merdes stated right.

Mr. Zone stated okay, well he, he has had the opportunity to go down as he has pulled up Chesapeake and he has gone out of his car and helped those people down at the far end and he, his heart goes out to them and but he just, he just wants to make sure that when we repair this or whatever we do to it that he, he guessed he is still struggling with how it was decided that this detention basin belongs behind 9325 Chesapeake and not where the the properties are being developed when we could see that behind 9325 it was not a major problem, there was water in the creek but the major problem was behind the properties, the two properties just to the east of 9325, he, and he is looking forward to meeting with the County, with the a, the Army Corps of Engineers himself tomorrow as well.

Chairman Sandora stated and we all are, everybody on this Board feels the same way, we need to correct a situation over there.

Mr. Zone stated okay.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else wish to speak on this, Sir.

John Graven, 9213 Roanoke Court, North Royalton. Mr. Graven stated well, he has three comments specific to the three specific different proposals that are on the table, first, dealing with the recreational use and development, now that the City voted and has acquired that as property and as a resident his question is, a legal question, the United States of America in 1988 established a National Wetland Policy Form which was commissioned by the Corps of Engineer, US Army Corps of Engineers, which was a study that was done, a comprehensive 12 year study by Ohio State University as Ohio is the headwaters state that drains all 48 inaudible acres of land in are divulging all of the water, storm water as you say Clark into the Gulf of Mexico and stated that they have now in the United States of America a no net loss of wetlands policy so six different organizations were formed that bring resources, much more resource than this public small community and of course a private individual would have specifically the National Resource Conservation Service which restores wetlands or the purpose of retention and the less destruction that storm water has done and he thinks that that's a very important aspect of what we all as citizens, now that we own that property need to look to as an alternative therapy to our proposals of bringing ponds, and ponds and ponds. Mr. Graven stated and

this is actually on the internet anyone can get this and the US Army Corps of Engineers has this document and it is actually in litigation right now for what happen with Katrina because they didn't follow the foreign policy, there are six different organizations with over three billion dollars of revenue that could be sought after, applied for and got to restore the wetland that was destroyed by citizens all be it, it was not intentional by there part so since this is public property and has been allocated to the City granted and accepted as a citizen he thinks we need to look at a different therapy, he thinks we have to stop the duck ponds, or the pond or whatever you want to call it therapy because it hasn't worked, it has been demonstrated 12 years study, these are PhD's, no offense to reg, regular civil engineers or, or anyone else but a panel was inaudible. Mr. Graven stated more importantly the money was allocated by public and private resource groups that will do it and he would suspect that if we get in touch with the National Resource Conservation Service and or Ducks Unlimited which by the way has the most money involved in this and because of course we all no, our geese and our ducks in our neighborhood. Mr. Graven stated this is a particular area he thinks that we need to now investigate a new therapy, that therapy can not be removing trees of 14" calipers and bringing, shedding property, roof lines, he thinks that we should all since we own this property think very carefully that four homes, no offense to anybody's need to make profit, none whatsoever, please don't take it that way, but he thinks that this therapy, this is our opportunity, this is the opportunity now to not just go with the therapy that as Clark has absolutely stated, 100% through, with his professional capabilities and expertise, has not worked, this therapy is the only therapy that has actually started to restore back the actual wetland areas and it, and this is a no net loss policy, USA policy, that's all.

Mayor Luks stated Mr., Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Luks stated first of all, we don't own anything yet, it is not public land, the City has not taken ownership to any of it so that's number one.

Mr. Graven stated he apologizes.

Mayor Luks stated number two, we are aware of the benefits to restoring land areas back to their natural state, we are actually quite familiar with it and we are in the process of doing that in, will be in the process of doing that, we are acquiring some properties on Abbey Road on Edgerton Road and one on Akins that will be restored to their natural floodplains and we have done that work through FEMA and she, she, she, she understands what you are talking about that you know that these areas work as retentions on their own in a natural way but she would suggest to you that the Consultant that we hired that came up with this recommendation for the retention basin did know what we needed to do to hold some of that water that is draining hundreds and hundreds of acres into this one area and, and, and she would suggest that we would have to tear down a whole lot of homes and restore a huge area back to it's natural state for it to solve what we are going to solve with this regional retention basin, we are always looking for grant monies to do all sorts of things including stormwater projects and we have been actually quite successful in securing a dollars through FEMA and, and federal funding for that purpose so she doesn't want you to think that we are in vacuum here in North Royalton and that we don't know about

these things and we are not looking at them we are this is the most practical solution or she is sorry the most practical improvement that this City can make in this area at this time and and it wasn't just a shot in the dark, but Thank You and.

Mr. Graven stated all right, he agrees Mayor, he agrees 100%. Mr. Graven stated he is just saying, as a citizen and as everyone else is concerned, Chesapeake Subdivision Number 4 which he lives in, probably should never have been built, he thinks four more houses shedding water should not be, so go ahead, let's do a therapy that's right, let's not add anything more to the problem and he thinks we all have to be concerned about the potentiality of litigation much higher litigation in this situation and possibly at the end of the day, you know, he is not, that's why we have a Law Director you know and he agrees that, that should be investigated thoroughly but sometimes because of emotion and because of minutia and micromanagement and organization that a specific policy may just simply been overlooked and let's face it, Buffalo has the biggest problems and has to deal with so much that, that Corps has so much to deal with, it's very simple to miss something in a seven story stack of policy. Mr. Graven stated he thinks that this is something that should be very seriously considered before as you said Mayor if this land hasn't been acquired it shouldn't be, number two we should not in any way shape or form allow any more homes to be, possibly have to be abated, that's his comments. Thank You.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else in the audience.

I am Larry Tomecko, 9207 Roanoke Court, North Royalton. Mr. Tomecko stated his comments are in regards to what's being referred to as the local retention basin, a, the proposed plan as he looked at it this morning shows that the discharge water from that basin is carried through an easement on subplot number 17 of the, of Chesapeake Subdivision Number 4 into the existing easement, storm easement and tied into the the storm sewer. Mr. Tomecko stated from, from what he can determine looking at the Declaration of Easements and the Covenants of Chesapeake Number 4 Homeowners Association, that easement was created in favor solely of, or solely in favor of the declareant which at the time was Chesapeake Development and all, and also for the Subdivision Number 4 Homeowners Association, and therefore, and was not created certainly in favor of Tartan Development or in favor of North Royalton. Mr. Tomecko stated what he is saying is that the plan is, as it exists now is not viable because they, there should be no access to that easement granted to either North Royalton or to this Developer so he would urge the board not to approve this plan as it exists, as it shows today.

Mr. O'Donnell stated Mr., Mr. Chairman he, you know he makes a valid point but he doesn't know the answer to that but he will be happy to look at it.

Mr. Mackay stated do you want me, should I comment.

Mr. O'Donnell stated sure.

Mr. Mackay stated the, the easement he is referring to is a public storm sewer easement that was, is on the plat, the record plat and it was granted specifically by a, a recorded document to the City so it's, it's a public.

Mr. O'Donnell stated if it's granted to the City, the City has the right to use it.

Mr. Mackay stated exactly, that's, that's, that's what.

Mr. O'Donnell stated but what he heard him say was it was granted to the Homeowners Association and he doesn't, he doesn't know.

Mr. Mackay stated he is mistaken, that's, he is talking about the retention basins, those aren't the city's, those are, those are the homeowners, this is the actual storm sewer outlet that picks up upstream land that drains there, that, you know, is required to be accessible by the City and that's what the City wanted at the time and you know, it's a standard, it was a standard way of doing it then and the same way we would do it now, so, it's, you know, the correct statement is that there is a public storm sewer easement at that location.

Mr. O'Donnell stated is, is the easement, the separate recorded easement or is it just an easement noted on the plat.

Mr. Mackay stated yes, it's both, it's on the plat and it's separately recorded.

Mr. O'Donnell stated okay.

Mr. O'Donnell stated he will get a copy of it and he will take a look at it but in, in either event assuming he is correct, the City certainly has the right to obtain access if we needed to but he is assuming that you are correct and we have the access that we need.

Mr. Mackay stated exactly.

Chairman Sandora stated they are talking about the small one, oh, okay, this is not the regional one.

Mr. O'Donnell stated all right, what he is being told is that's only for the small basin, if that one is developed.

Mr. Mackay stated right, that's only in the, the unlikely eventuality.

Mr. O'Donnell stated that we don't build the large retention basin.

Mr. Mackay stated right, exactly, it's only an issue yeah.

Mr. O'Donnell stated so it may not be an issue.

Mr. Mackay stated it isn't an issue to begin with but, even if it was it wouldn't be.

Mr. O'Donnell stated okay.

Chairman Sandora stated anybody else in the audience.

Chairman Sandora stated one more time anybody else in the audience.

Chairman Sandora stated anybody else on the Commission.

Mayor Luks stated Mr. Chairman she, she guessed we should discuss the recreation allocation.

Chairman Sandora stated fine.

Mayor Luks stated obviously in a case such as this we would she believes prefer to accept the money as opposed to land.

Chairman Sandora stated is, that is a motion.

Mayor Luks stated yes Sir.

Chairman Sandora stated it's been moved to accept the money verses the land.

Don Willey stated a Mr. Chairman, he has a a question to the Law Director.

Don Willey stated a, a, can we a, in accepting the money it goes into the recreation fund, can we mitigate the cost of this a, by applying those funds to the, to this project.

Mr. O'Donnell stated ummmm off the top of his head without actually researching, he would probably say no.

Don Willey stated okay.

Mr. O'Donnell stated because he thinks that is dedicated strictly for recreation and obviously storm water and recreation are not apples and apples.

Don Willey stated Thank You.

Don Willey stated second.

Chairman Sandora stated it's been moved and second, take money verses land, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated do you want to do the lot split and consolidation.

Chairman Sandora stated make a motion to create the lot split and consolidation for a Permanent Parcel 482-08-003 and 002.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, is there any discussion, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated a, can he have a motion to approve Chesapeake Subdivision Number 5 for the Tartan Development Company, extension of Chesapeake Drive.

Mayor Luks stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please, any discussion, Ms. Fashempour please call the roll.

Roll call: Yeas: Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been approved, Thank You.

Mr. Mackay stated Thank You Mr. Chairman, Thank You Mayor, Thank You.

New Business

Sign Approval

Royal Park Condominiums, Royal Park and North Akins Road, RM-D Zoning.
Sign Approval.

Ms. Fashempour stated is the Applicant here.

Chairman Sandora stated please step forward, state you name and home address please.

My name is Marissa Cavelli, 38260 Tamarack Blvd.

Chairman Sandora stated tell us what you would like to.

Ms. Cavelli stated she is here to have the sign for Royal Park, she manages Royal Park Condominiums, North Royalton and you have all the information she is sure, we are having the sign removed, the top of the sign removed and a new sign put in-between the two existing brick pillars with a numbers hanging from the bottom, very simple installation.

Chairman Sandora stated okay, Thank You.

Chairman Sandora stated Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated sign area of 18 square feet is less than the maximum allowable of 80, the sign height is 5' which is less than the height of 7'. Mr. Alvarez stated he wasn't sure about the clearance underneath that sign.

Ms. Cavelli stated she thinks the Company that was installing it for us, Northcoast Sign Works, he said he checked, it was, she doesn't know but he said it was, he checked what it was suppose to be and he had, he had that number, she doesn't know if it was 18" or something like that.

Mr. Alvarez stated yeah 1', 15".

Ms. Cavelli stated is that, something like that yeah.

Mr. Alvarez stated that's the max. we have on our signs.

Ms. Cavelli stated okay.

Mr. Alvarez stated otherwise it looks kind of inaudible.

Ms. Cavelli stated yeah.

Mr. Alvarez stated so if they can correct that with the sign itself.

Ms. Cavelli stated right, right, and he is coming to the meeting on Monday.

Mr. Alvarez stated okay.

Ms. Cavelli stated the, the review.

Mr. Alvarez stated okay, so if they can make adjustments for the clearance underneath that sign, and meet the 25% then he doesn't have any problems at all.

Chairman Sandora stated okay.

Mr. Alvarez stated no further comments Mr. Chairman.

Chairman Sandora stated is the side yard setback 50'.

Mr. Alvarez stated well this is a replacement sign.

Ms. Cavelli stated it's existing, the pillars are existing.

Chairman Sandora stated and it is 50' from the side yard and it's, it is existing.

Ms. Cavelli stated she is not sure, it was there from the beginning of time.

Chairman Sandora stated okay, anybody else on the Board.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated a, well his comments spoke to that same matter that.

Chairman Sandora stated right.

Mr. Merdes stated he means, whether it is existing or not, when you are making a change you have to be compliant with the Code and it, it just a, it asks that, that it be located not less than 50' from a side lot line and 25' from the street right of way and it may meet those requirements but we have no way of knowing.

Ms. Cavelli stated okay.

Mr. Merdes stated you could, you could confirm that in writing or because it doesn't appear that you could confirm that tonight.

Ms. Cavelli stated right, she can't.

Mr. Merdes stated or a drawing, sometime people submit.

Ms. Cavelli stated okay.

Mr. Merdes stated that's the only comment that he had.

Chairman Sandora stated Thank You Mr. Merdes, anybody else on the Board.

Don Willey stated Mr. Chairman would we a, and the Building Department know from when they put the original sign in there whether or not it was in conformity with the a, with those regulations and if so a if he understands this all, all there doing is, is taking the sign from the top of the pillars and and putting it in-between the two pillars, he assumes that the a 50' would apply to the pillars, would we have a way of knowing that from, when was the original sign put up do you have any idea.

Ms. Cavelli stated in the 70's.

Don Willey stated 70's.

Chairman Sandora stated when it was built.

Don Willey stated that long ago.

Someone stated beginning of time.

Laughs.

Don Willey stated he, that's just a question, a comment that he has maybe someone has some kind of documentation on that.

Ms. Cavelli stated okay.

Mr. Alvarez stated it would have to be a field verification.

Chairman Sandora stated does anybody else have anything.

Chairman Sandora stated a, he will make a motion then to approve the sign for Royal Park Condo as long as it meets all the requirements of the 50' from the side lot, the 25' from the right of way, the street right of way and that the a, the bottom of the sign will, will meet the clearance of 15" and also that the Applicant meets all the conditions and requirements from the Architectural Review Board.

Ms. Cavelli stated okay.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, any other discussion, Ms. Fashempour call the roll.

Roll call: Yeas: Five - Reinkober, Mayor Luks, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

Someone stated Good Luck.

Pro Driving School, 11307 State Road, Local Business Zoning. Signs Approval.

Chairman Sandora stated the Applicant here, please present to us what you will.

Mike Florian, 3567 James Blvd., Brunswick, Ohio 44212. Mr. Florian stated Pro Driving School, it's just a sign, the existing frame is already up, been there for some time, all we are going to do is put a sign that says Pro Driving School. Mr. Florian stated he submitted 18 pictures and a drawing of the existing sign frame that's already, already there.

Chairman Sandora stated okay, Thank You, Mr. Alvarez anything.

Mr. Alvarez stated Thank You Mr. Chairman, again, a, Applicant, that it is a replacement of a name plate at this tenant space there, his other comment would be that you have a phone number on there and his comment is, telephone number shall be permitted at the discretion of the Planning Commission and he gives a section there so, that's all.

Mr. Florian stated is a website okay, do you want a phone number up there.

Mr. Alvarez stated no, you have one shown here already.

Mr. Florian stated okay, all right.

Mr. Alvarez stated and that's, that's a permission of the sign submission so.

Chairman Sandora stated you wish to put the phone number on that sign.

Mr. Florian stated yes please.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Mr. Alvarez has addressed his comments.

Chairman Sandora stated Thank You, anybody else on the Board, have anything, anybody have any comments on the phone number.

Don Willey stated he has no problem with it Mr. Chairman.

Chairman Sandora stated have a problem with it.

Don Willey stated he has no problem with it.

Chairman Sandora stated okay, then he will make a motion to approve the sign for Pro Driving School with the telephone number added on and as long as the Applicant meets all the requirements and conditions of the AR, Architectural Review Board.

Mayor Luks stated second.

Chairman Sandora stated its' been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You, you are approved.

Mr. Florian stated Thank You Sir.

Avis, 13517 West 130th Street, Local Business Zoning. Signs Approval.

Chairman Sandora stated the Applicant is here, state your name and home address for the record please.

My name is Dean Guersney, representing Dynamic Sign, from Mentor, Ohio. Mr. Guersney stated and Avis has contacted him to put up there, a sign on the building wall, the sign will match all the existing signs that are in the complex.

Chairman Sandora stated they will.

Mr. Guersney stated yes and will, basically putting the sign up for the, where the old tenant sign was when they moved out and there sign was removed.

Chairman Sandora stated okay.

Mr. Guersney stated so we will be building the sign exactly the same way as everybody else in the complex.

Chairman Sandora stated Thank You Mr. Alvarez.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated the sign there is 11 square feet, again it's less than the maximum allowable of 16, that's fine. Mr. Alvarez stated his one comment really was cohesiveness of your sign if from what he was looking at here, it really didn't tell him a whole lot about how it's going to look on the façade that's out there now at that plaza and a he guessed he has, that was his one comment it's.

Mr. Guernsey stated the signs that are there now are a channel letters with the red faces and white returns set on white raceways and ours will be built exactly the same way.

Mr. Alvarez stated exactly the same.

Mr. Guernsey stated yeah, 8 x 8 white raceways, ours will have a 8 x 8 white raceway with the white, 5" white returns and the red faces.

Mr. Alvarez stated that's, no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes do you have anything.

Mr. Merdes stated he has no comments.

Chairman Sandora stated Thank You anybody else on the Board any comments.

Chairman Sandora stated he makes a motion to approve the sign for Avis as long as he meets all the requirements and conditions of the Architecture Review Board.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Mr. Guernsey stated Thank You.

Chairman Sandora stated Thank You.

Continental Fine Jewelry, 11309 State Road, Local Business Zoning. Signs Approval.

Chairman Sandora stated the Applicant is here or representative.

Back again Dwayne Cook from ABC Signs representing Continental Fine Jewelry, same as, it's in the same location as Pro Driving Sign we are just replacing the existing faces with the new name on the street and on the top of the building, we are not making any changes to the structure of the sign, just what's already there, just replacing with their name on the polycarbonate.

Chairman Sandora stated Thank You, Mr. Alvarez anything.

Mr. Alvarez stated Thank You Mr. Chairman, again the square footage of the sign because this is a replacement is fine, the tenants, then as well as the name plate, that's a change as well on the ground sign so it's just another tenant space, he doesn't have any really problem with it.

Chairman Sandora stated okay Thank You, Thank You Mr. Alvarez, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman one comment about the partial façade change on the ground sign, a it says the listing of numerous goods, services, prices or items are not permitted, that sign contains at the bottom, 10k, 14k, 18k, 21k, which appears as a listing of.

Chairman Sandora stated what they carry.

Mr. Merdes stated items, probably would be either require a variance or, or not to see that on the, on that sign.

Mr. Cook stated he can check with the owners to see if they will remove that or is there other paper work, he means can we ask for the variance here tonight.

Mr. Cook stated no, that's separate, okay.

Mr. Merdes stated variance would be a separate application to a separate Board and would be you know, your application would put you on for the, they only meet once a month, if you could agree that it would, it could be put without that and, and.

Mr. Cook stated he will just tell them that, that it's.

Mr. Merdes stated and only in the case where the owner has a big issue about it they would have to reapply or have it put up and then apply for the variance and if they got the variance then they could put those back on there.

Mr. Cook stated that's what he will do then.

Chairman Sandora stated has the sign been made already.

Mr. Cook stated pardon.

Chairman Sandora stated has this sign been made already.

Mr. Cook stated no.

Chairman Sandora stated so you can just tell the applicant that.

Mr. Cook stated he can just tell them that, and if they push or say they want it then the scenario being, the way it's being built it could be installed and then those could be added later if they wish to go back for the variance accordingly and he will inform them of that so it goes.

Chairman Sandora stated it can be installed later.

Mr. Cook stated yes, with little or no problems so, that's what he would recommend, he will tell them it can't be on the pre-installation and if they wish to follow the other process he will inform them of that.

Chairman Sandora stated okay, Thank You, anybody else on the Board have anything.

Chairman Sandora stated he will make a motion to approve a sign for Continental Fine Jewelry with the exception that no sale items are listed on the sign itself which would be the 14, 21, 14, 18, 21k on the bottom and also that the Applicant meets all the requirements of the Architectural Review Board and conditions.

Don Willey stated second.

Chairman Sandora stated its' been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You.

Mr. Cook stated Thank You very much.

Sign/Exterior Remodel

KFC, 5525 Royalton Road, TCD-2, Sign and Exterior Façade RE-Model.

Good Evening, David Post, with Jamesway Construction, out of Louisville, Kentucky, he is representing the owners of the business, KFC business and their proposed changes to the façade and signage.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Alvarez do you want to go first.

Mr. Alvarez stated sure, Thank You Mr. Chairman.

Mr. Alvarez stated looking at your plan you know, on your plan, you see the front elevation.

Mr. Post stated yes.

Mr. Alvarez stated is really the side of your building but a, in terms of zoning what he is about to say bear in mind what he is saying here, because that side of the building is fronting 82, Royalton Road there, we have to look at that as the front of the building.

Mr. Post stated okay.

Mr. Alvarez stated like you even indicated the front elevation.

Mr. Post stated right.

Mr. Alvarez stated that being said, we computed what the maximum allowable square footage is allowed on that frontage.

Mr. Post stated okay.

Mr. Alvarez stated and his calculations were like 60.2 square feet of signage, then on you're, the building front which is the side of the building in terms of zoning you are allowed only 20% of that maximum 60 on the side of the building in terms of zoning, your front of the building is the side.

Mr. Post stated okay.

Mr. Alvarez stated if you turn it 90 degrees on the property, so that being said, you are allowed only 12 square feet on that side and he believes your sign that falls into the turn over there is 5 x 7 which is 35 square feet.

Mr. Post stated correct.

Mr. Alvarez stated so that, actually above the maximum allowable of 12, square feet.

Mr. Post stated which in essence is saying that you really need a variance from the Board of Zoning Appeals, you would have to apply there.

Mr. Post stated okay.

Mr. Alvarez stated so, that's one comment he has, the second comment he would have, been with the a, the minor, what he would consider the minor alterations to the building putting inaudible lighting, this is all electrical in nature.

Mr. Post stated yes.

Mr. Alvarez stated and he realizes that's not what we, we don't look at electrical installation here in the forum however, we do when you submit for the Building Department in terms of getting a permit from us and we will need definite details of the wiring methods for all the gooseneck lighting that you have out there.

Mr. Post stated yes.

Mr. Alvarez stated as well as just general renovation review on the exterior so one thing that he will caution, if we do see the plans for something like this after July 1st, we have a new code in place and he doesn't know if your designers are aware of that or not but we, we are in a new code cycle in terms of Building Codes.

Mr. Post stated okay.

Mr. Alvarez stated and July 1st, so and they are a little bit different then our previous Codes which keeps us in business here.

Mr. Post stated okay.

Mr. Post stated all right, so, so you are saying that if the signage was on the front, what we are calling our front elevation.

Mr. Alvarez stated is your side of your building but that is neither here, that's.

Mr. Post stated yes, if we were to relocate the tower to that location with the sign on it we would be will within the allowable signage.

Mr. Alvarez stated inaudible, you would. Mr. Alvarez stated you would have to come back again.

Mr. Post stated yes.

Mr. Alvarez stated for that review as well so, he is just commenting on what you have just submitted.

Mr. Post stated okay, and then, but that we are allowed 60 feet based on that.

Mr. Alvarez stated 60 square feet based on width of the building.

Mr. Post stated just frontage, okay all right, so if we were to relocate that tower and the signage, come back and present that.

Mr. Alvarez stated that is something that we will have to look at again.

Mr. Post stated you would reconsider yes, okay, any other comments beyond that.

Mr. Alvarez stated no further comment.

Mr. Post stated that he can take back to his owner.

Chairman Sandora stated yeah, in a minute.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated he has no comments on either the a, the building sign or the exterior remodel.

Chairman Sandora stated Thank You Mr. Merdes.

Mr. Merdes stated you are welcome.

Chairman Sandora stated he, he is having a little bit of a problem with the colors that you have proposed for this, a the gentleman himself on there, he thinks it's quite loud for that area, he doesn't know, he doesn't he, he, he, he thinks you are doing a nice job with, with what you're planning on doing with the façade and changing it and all but a those colors are a little bit of a problem for him, he doesn't know how anybody else feels on this but, the old building, the colors were streamlined it seemed, were kind of nice, that's his comments, you are also going to have to get approval from the Architectural Review Board, he doesn't know because they deal more with colors so forth and so on a, he doesn't know if you are considering moving this tower like our a Building Commissioner has a suggested if you want more space for it, he doesn't' know if you are considering going to the Board of Zoning Appeals to try to get a variance and leave it as it is a he thinks maybe you should by chance maybe a go to the Architectural Review Board and present that to them and let them see what you want to do and listen to their comments and maybe put everything all together and see what you come up with but that's only his opinion and he will give up the floor to anybody else up here.

Chairman Sandora stated anybody else have anything they want to say.

Don Willey stated a Mr. Chairman, isn't the a the, picture he has here is, isn't that what it is now.

Mr. Post stated that is the exactly yes.

Don Willey stated that is the existing.

Mr. Post stated yes.

Don Willey stated so you are not proposing on changing this tile or anything are you.

Mr. Post stated a we are, were, were proposing to remove that.

Don Willey stated do an upgrade.

Mr. Post stated mansard roof and, and put up a new façade.

Don Willey stated oh he sees, okay.

Mr. Post stated yeap.

Don Willey stated okay, all right, okay, Thanks, the ARB would be the experts he guessed in terms of that.

Mr. Post stated okay.

Mr. Post stated what would be the best means of that, communicating with them in a some sort of preliminary meeting.

Chairman Sandora stated well they have to go tomorrow, or Monday.

Mr. O'Donnell stated a.

Ms. Fashempour stated they meet Monday.

Mr. Post stated okay.

Ms. Fashempour stated at 6 o'clock.

Mr. Post stated yes.

Ms. Fashempour stated and you will be on their agenda.

Mr. Post stated okay.

Ms. Fashempour stated and if the Board so chooses, they will probably end up tabling you here but you can go before the Architectural Review Board and submit your plans and a see what they have to say.

Mr. Post stated okay, all right.

Chairman Sandora stated okay.

Chairman Sandora stated you know, and when you go make sure you bring this one.

Mr. Post stated yes.

Ms. Fashempour stated they have that.

Chairman Sandora stated oh they have that one.

Ms. Fashempour stated yeah, the Board has that one.

Chairman Sandora stated so you do have that with you.

Chairman Sandora stated because the one that we have, you know, this was just received by us, given to us tonight, the only, that we have doesn't.

Ms. Fashempour stated we had this, Architectural Review Board get's five color copies.

Someone stated right.

Ms. Fashempour stated she gets one, you saw it tonight but she did have it.

Chairman Sandora stated right.

Chairman Sandora stated we only had the black and white one is what he is saying.

Mr. Post stated okay.

Mr. O'Donnell stated Mr. Chairman.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated with regards to our ARB, there relatively new in operation and so what you are asking for like an advisory opinion so they can't take action on your application but you can certainly meet with them Monday and talk about your plan and get some insight from them as to how they feel about those issues that were discussed here tonight but they are not going to make a final decision.

Mr. Post stated no that's.

Mr. O'Donnell stated they, they can't do anything until this Board has made it's final decision.

Mr. Post stated correct.

Mr. O'Donnell stated and when that happens they, you will end up back on their Agenda for them to then make a final decision so.

Mr. Post stated okay.

Mr. O'Donnell stated just so you understand the process.

Mr. Post stated no, no, that's fine, he understands it.

Chairman Sandora stated it is just so that we can all come together on some proposal.

Mr. Post stated no that's, that's, perfectly understandable.

Chairman Sandora stated if they are happy with that, we are happy with and your happy.

Mr. Post stated yeah, and were, were willing to work with the Planning and the ARB on the, on the entire issue.

Chairman Sandora stated all right.

Mr. Post stated the colors do tend to come up, it's a common occurrence so.

Chairman Sandora stated okay so that you don't mind, we will table this and you can go there Monday at 6 o'clock.

Mr. Post stated that's fine.

Chairman Sandora stated Thank You, could he have, a motion to table this.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded to table, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated Thank You.

Mr. Post stated Thank You.

Site Plan Approval

Nick and Rosa Carosielli, 13862-13872 Bennett Road, TCD-1. Site Plan Approval for an Addition.

Good Evening he is Nick Carosielli, this is Rosa Carosielli we live at 6740 Queens Way. Mr. Carosielli we have a commercial building on Bennett Road and we have a detached structure in the back on the property and we would like to build an addition to attach this detached structure to the main building in order to do that we need demolish that structure and start new, you should have all the plans. Mr. Carosielli stated we understand that, we know that it is a, you know we will need a variance for this because the current structure back there is just 1' away from the property line and so we would need a variance to do that.

Chairman Sandora stated Thank You.

Chairman Sandora stated well, let's see Mr. Alvarez do you want to start.

Mr. Alvarez stated yes, Thank You Mr. Chairman.

Mr. Alvarez stated beside the setback requirement that you need a variance for, he typically want to make suggestions here in terms of when it comes to Building Codes.

Mr. Carosielli stated uh um.

Mr. Alvarez stated and yet that, bear in mind that you are so close to the property lines that the Building Code does not permit you to have windows on the exterior.

Mr. Carosielli stated oh, okay, those windows on the plans they were just put in as, to make it look nice by the Architect, okay, we, really don't need the windows there so.

Mr. Alvarez stated okay well, he, he is just suggesting that if that's the case.

Mr. Carosielli stated okay.

Mr. Alvarez stated he has to tell you that you are entitled to appeal his decision of the Building Commissioner to the BZA.

Mr. Carosielli stated as far as appearance we will make whatever changes are necessary, we are really not you know okay.

Mr. Alvarez stated well again, bear in mind he is talking strictly Building Codes here.

Mr. Carosielli stated okay.

Mr. Alvarez stated if you do decide to put the windows there, then you don't go to Board of Zoning, you go to the Board of Building Appeals which a either in Columbus or they go around to various City's and your, your design professional go there rather than you so a.

Mr. Carosielli stated okay.

Mr. Alvarez stated so quite honestly you are not even permitted to have windows.

Mr. Carosielli stated not a problem.

Mr. Alvarez stated since you did show them he did comment on them.

Mr. Carosielli stated okay.

Mr. Alvarez stated and then of course the setback requirements for the zoning would be the other issue.

Mr. Carosielli stated right.

Mr. Alvarez stated no further comments Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, Mr. Merdes.

Mr. Merdes stated Thank You.

Mr. Merdes stated to the Applicant, do you know if this property has any existing variances.

Mr. Carosielli stated no, not a.

Mr. Merdes stated about, we talked about a building that's detached and and on the property.

Mr. Carosielli stated uh um.

Mr. Merdes stated is it, a more or less between where that building is and the, the other building, the two existing buildings, is that area a paved.

Mr. Carosielli stated yes, right now it is paved.

Mr. Merdes stated it is paved.

Mr. Carosielli stated it's a, a, asphalt paved area.

Mr. Merdes stated okay, so in terms of, in terms of drainage there is nothing to really indicate how, how the property drains a.

Mr. Carosielli stated well, there will be less water going down towards the Police Station if that's what you are asking because we, if we get approval to build, right now the current structure is a has a drain, you know is a storm drain so everything would go, will be another, 1100 square feet that will drain into a storm sewer and not roll down the hill if that's what you are asking.

Mr. Merdes stated is the storm sewer at the street or is there a storm sewer in the rear.

Mr. Carosielli stated there is a storm sewer at the rear, in other words there is a, there's a gutter that goes a from the current building, it goes, you know it drains into a gutter.

Mr. Merdes stated uh um, yeah, a new building would be required to have gutters. Mr. Merdes stated he asked about this if there were any variances because there is a rear yard setback of 20', it, you know it looks like it, you are not going any closer to the rear yard then then that existing structure that, that you are going to take down.

Mr. Carosielli stated that's correct.

Mr. Merdes stated it doesn't, it just doesn't answer the question about the variance though, a.

Mr. Carosielli stated there is a drive from the Mount Royal Villa Nursing Home back there so really it's not going to affect the.

Mr. Merdes stated yeah, he sees that it is shown.

Mr. Carosielli stated the adjoining properties in any adverse way.

Mr. Carosielli stated if anything it's going to make it look nicer.

Mr. Merdes stated and the existing building some of that is, well you talk about 17 existing parking spaces a, and he thinks that is adequate if that new building per Code is all, is all storage, a, but if it was converted to any other use then you would have a more a larger requirement for parking.

Mr. Carosielli stated yeah he knows, there is shown you know 17 spaces over there but actually the spaces are real wide because we don't have that much, we can actually fit more spaces as we go according to you know to make them narrow.

Mr. Merdes stated uh um.

Mr. Merdes stated and how about utility services to the new addition, are they going to be all from an existing building to the new building or are you running utilities, new utilities on the site.

Mr. Carosielli stated well there is a, there is a gas if you are talking about gas and electric, there is utilities there now.

Mr. Merdes stated how about you a, any sanitary being proposed.

Mr. Carosielli stated no, not for the addition, no.

Mr. Merdes stated no sanitary, any plumbing, water.

Mr. Carosielli stated none whatsoever.

Mr. Merdes stated no water, okay, so it's, it is certainly, it's not going to be able, used for much else than storage.

Mr. Carosielli stated right, exactly.

Mr. Merdes stated those are, those are him running through his, his review comments, the only one that really still have a question about is is how to address the the rear setback which has a requirement that that's larger than what's shown but it is also a, the new, new addition is no closer than that existing storage building.

Mr. Carosielli stated uh um.

Mr. Merdes stated he guessed it is a clarification maybe Legal Department could help him out with.

Mr. O'Donnell stated well, the a existing building, if there is no current variance for that is probably a nonconforming building in which case our Code would prohibit expanding a nonconforming building so you would certainly be able to do this if you obtained a variance his guess is it's probably not may not be difficult to obtain because you are putting the, outline of the building closest to that lot line in the exact same place where it's been for how many years.

Mr. Carosielli stated probably 50 some years.

Mr. O'Donnell stated right so, even though it's an existing nonconforming building he thinks he is going to need a variance for it because of that setback.

Mr. Carosielli stated he was aware of that.

Chairman Sandora stated then Mr. Law Director you feel that they should, we push them over to the Board of Zoning Appeals.

Mr. O'Donnell stated yes.

Chairman Sandora stated do you want to try and get the variance for it.

Mr. Carosielli stated sure, yeah, that's why were here.

Chairman Sandora stated okay, then we will table this tonight and a you can apply to the Board of Zoning Appeals and basically do the same thing, go before them, explain the situation, the buildings been there for 50 years you want to upgrade it, improve it, make your case there.

Mr. Carosielli stated okay, Thank You.

Chairman Sandora stated can he have a motion to table.

Victor Bull stated second.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Mr. Carosielli stated Thank You.

Chairman Sandora stated Good Luck.

Lot Split/Consolidation

Thomas W. and Karen J. Dragunas, Edgerton Road, PPN 486-17-016, 015, 014, 018, 013, Rural Residential Zoning. **Lot split and Consolidation.**

Chairman Sandora stated the Applicant is here, state your name please.

Mr. Dragunas stated Tom Dragunas and his wife Karen Dragunas, we live at 4027 Edgerton Road, North Royalton.

Chairman Sandora stated what is it you wish to do please.

Mr. Dragunas stated basically we have had this property for 35 years, we are selling a house in front and we want to split it at 500' with the new regulations of no landlock property, we want to tie it in with the rest of their property that they have.

Chairman Sandora stated so that's why you are doing it.

Mr. Dragunas stated yes, we are selling the property, we have a buyer, and we are just waiting for the split.

Chairman Sandora stated so you are, so it, leave the front lot, parcel one.

Mr. Dragunas stated yeah, we are splitting that off and they, we are adding the back part onto the rest of their property.

Chairman Sandora stated eight, right.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, he did have a couple comments a, the legal description refers to set iron pin at parcel one, that the remainder parcel the new southwest corner and it's not shown on the drawing so he guessed he is asking for the drawing to be revised to show what the legal description says is there.

Steve Sokol, 4064 Shenandoah Parkway. Mr. Sokol stated a couple little small comments that Mr. Merdes has a those will be addressed with the final drawing as well, it's been submitted also to the Cuyahoga County Engineer's Office you know for any comments they would have also to make any final little modifications and he assures that any changes or anything would be corrected and taken care of at that time.

Mr. Merdes stated yeah, Thank You, all his comments were more or less to small discrepancies between the, the two parcels, the legal description and the, and the drawing and if all those are clarified and whichever ones incorrect or missing is made correct then he is fine, the, the both the, the parcels, the new parcels that are being created conform to our Codes for area, width, length, yard area requirements and that's the most important thing, Thank You.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated to the, Mr. Law Director, do you have any comments.

Mr. O'Donnell stated nope.

Don Willey stated the only question he has and he, he is, he just double, we just double checked the numbers, is that they will have, after the split, wind up in conformity rural residential, one acre, minimum, minimum a single lot would be one acres, he was just checking the calculations on that, so that is correct, correct, Thanks.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated anybody else, anybody in the audience have anything.

Chairman Sandora stated he will make a motion to approve a lot split and consolidation on the condition that you get all the requirements of, Clark's are met and you get that back to the Engineering Department.

Mr. Sokol stated Thank You.

Don Willey stated second.

Chairman Sandora stated moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Willey, Bull, Reinkober, Mayor Luks, Chairman Sandora. Nays: None. Motion carried.

Ms. Fashempour stated okay, you're done.

Mr. Dragunas stated Thank You.

Ms. Fashempour stated Steve, when you get the Mylar, give it to me, she will sign it.

Mr. Sokol stated oh, yeah, we had called down to Cuyahoga Engineers, they have not reviewed it yet so we are a little ways off but will get it to you.

Ms. Fashempour stated okay, that's fine, Thanks.

Utility Plan Approval

at&t requests permission to place an above ground cabinet within an easement near 5525 Bunker Road - Approval.

Ms. Fashempour stated the Applicant is here.

Mike Williams representing at&t, 16515 Clare Avenue in Cleveland, requesting to place an above ground cabinet in the rear of 5525 Bunker.

Chairman Sandora stated Thank You, Mr. Merdes do you have anything.

Mr. Merdes stated Thank You Mr. Chairman, yes, permits required, plans by a Registered Engineer are required to get the permit, you need to perform all work in accordance with the City's Codified Ordinances,

contact the City Engineering Department 72 hours, 3 working days prior to commencing, full time inspection required for all work performed within the City right of way, that's billable to the Applicant or the Owner, all areas of disturbance are required to be restored, no open cut of roadway pavements are allowed, sidewalk replacement by full slabs, videotaping of the work area is required prior to the work, provide the City a copy of the video, all homeowners along the installation have been given 48 hours written and submit a copy to the City, is that acceptable.

Mr. Williams stated agreed to.

Mr. Merdes stated Thank You, that's all.

Chairman Sandora stated Thank You Mr. Merdes.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated any residents here.

Chairman Sandora stated step forward please, state your name, home address for the record please.

My name is George Stark, he lives at 5525 Bunker Road, the property that the easement is on is his, he acquired the property five years ago and he was not aware, in fact there was nothing there when he bought the property and he wasn't aware until they started you know putting in the slab and that what was going on and he was advised that it had been taken care of by the previous owners you know, they, they had agreed to it, but his, his concern is with the maintenance of the property as far as the shrubbery and there have been some plants put in there, nothing has been done to his knowledge, he has been taking care of the weeds and one thing or another but a, he thinks a year or less ago, some people showed up and they put in pampas grass and sumac trees and these are not, you know low maintenance items, the pampas grass if you are aware of that, maybe it's not the right, you know grows about 7' and then it blows over into his yard and then, then they put in mulch which a again blows all away and weeds, he understands if this is correct, that this is his property and he is required to maintain it is that correct, anybody knows, Law Director maybe know.

Chairman Sandora stated we don't know, we don't know what the easement stated.

Mr. Stark stated well, it, it's, states, do you know.

Mr. Stark stated he heard something about 18 months and then it becomes his responsibility.

Mr. Merdes stated yes.

Mr. Stark stated inaudible.

Mr. Merdes stated a, the, there's a, there's, when, when these, the Code has a section which when, when these boxes are on easements they are required to be landscaped and.

Mr. Stark stated who decides who is going to put the landscaping in.

Mr. Merdes stated at&t.

Chairman Sandora stated wait a minute Sir, let him finish.

Mr. Stark stated all right.

Mr. Merdes stated um, at&t or whoever is, it's not just at&t, it's, it, the Code is written generally for this situation where you have got utilities that are in easements and they are proposing some, something to be placed there, there is a requirement for landscaping and talks about 18 months he believes of maintenance by people who are installing the landscaping, after that it falls onto the owner of the property and if the, the, the landscaping needs to be kept in general good condition like anything else on, on your property it more or less if it falls into disrepair, same as anything else a that might fall into disrepair it then violates Zoning rules that say, you, you generally have to maintain your property, that's, that's, maybe where you got the 18 months from it, it's probably right from that Code.

Mr. Stark stated he, he assumes the responsibility of maintaining that property here, that's what you are telling me.

Mr. Merdes stated right, that, that, that.

Mr. Stark stated it doesn't make a heck of a lot of sense, a.

Chairman Sandora stated did you just buy this property Sir.

Mr. Stark stated five years ago he bought the property.

Chairman Sandora stated you bought this property five years ago.

Mr. Stark stated and there was nothing, there was a cherry tree back there when he bought it and then they put the slab in.

Chairman Sandora stated was this easement given to him or was it the previous owner.

Mr. Stark stated previous owner, he stated that.

Chairman Sandora stated it was the previous owner.

Mr. Stark stated he wasn't aware of that.

Chairman Sandora stated and you were not.

Mr. Stark stated no, it's not on his, on his title.

Mr. O'Donnell stated it, well, Mr. Chairman, it wouldn't appear on your title.

Mr. Stark stated no.

Mr. O'Donnell stated it, a lot of times it won't appear on the title but it's a matter of public record so it should have been in the title, when you purchased you home you should have gotten the title insurance report

from the closing agent and it would have been reported in there that there was an easement but being the fact that this was at least five years ago and the easement was purchased before that this 18 month requirement didn't go into effect until about a year or so ago so they, at&t and at&t was asked to put that comment, that language in their easements about, they will put in the landscaping and the property owner will maintain it but that probably will not appear in yours because that, it was obviously was granted some time ago but at&t has agree to put in appropriate landscaping which would be approved by the Architectural Review Board typically.

Chairman Sandora stated no.

Mr. O'Donnell stated don't they.

Chairman Sandora stated no, not on this one.

Mr. O'Donnell stated not on these types of things, all right.

Chairman Sandora stated how about if he just works with at&t.

Mr. O'Donnell stated he is sure that at&t will work with you on the type of landscaping that goes in.

Mr. Stark stated he has seen the drawing of that but it doesn't address the pampas grass or the sumac trees which should be removed.

Mr. O'Donnell stated yeah, that he can't address but, but the issue is, you certainly want it landscaped because it will, it will screen it from your view.

Mr. Stark stated oh yeah.

Mr. O'Donnell stated and it would be in your interest to make sure that the landscaping stays healthy so.

Mr. Williams stated we, we would be willing to take out, put in whatever the City and, and of course George would agree to.

Mr. Stark stated okay.

Mr. O'Donnell stated he thinks they are very reasonable, they will work with you on that.

Mr. Stark stated he understands, he was just concerned, he wasn't aware of that and then someone said your, you know it's your property and he said, his property.

Mr. O'Donnell stated well, well it is, you own.

Mr. Stark stated he knows, he knows.

Mr. O'Donnell stated they just have the right to use easement so.

Mr. Stark stated yeah that's what an easement means right.

Mr. O'Donnell sated right.

Mr. Stark stated like he maintains your grass that's on his property.

Mr. O'Donnell stated most easements say there shall be no plantings whatsoever, at least at&t agrees to allow plants that will help screen the boxes and what not from view and.

Mr. Stark stated he doesn't find them obnoxious, he would rather not have anything back there to be truthful but a, that's neither nor there.

Mr. O'Donnell stated is this in the front or in the back.

Mr. Stark stated it's in the, actually it's on State Road, so it would be the back corner of the property because it parallels State Road.

Chairman Sandora stated right.

Don Willey stated it's at State and Bunker inaudible.

Mr. O'Donnell stated oh okay, he knows where it's at.

Chairman Sandora stated well Sir, maybe you could sit down with the Gentleman and work something out between the two of you which would be easier for him to maintain and still present a nice appearance there.

Mr. Stark stated okay good.

Chairman Sandora stated for everybody around the area.

Mr. Stark stated yeah, something low maintenance.

Chairman Sandora stated right, is that a problem.

Mr. Williams stated no.

Mr. Stark stated because he was thinking about sourcing the grass cutting and that which would account for this to then.

Chairman Sandora stated okay.

Mr. Stark stated he is getting to old for this.

Laughs.

Chairman Sandora stated anybody else in the audience have anything.

Hi, I am Greg Javaras, he lives at 8515 State Road, it's at the corner of State and Bunker right across from him, he just don't want it to end up like the stop light projects that you guys had last year, because you guys didn't fix anything, he still has where all the trucks parked on the tree lawn, big ruts and nobody came and fixed it, he fixed the whole front of his house but nobody came and fixed nothing, and he has no idea where you are putting this box.

Mr. Stark sated it's there, well the road is there.

Mr. Williams stated the pad is there.

Mr. Javaras stated where.

Mr. Javaras stated well, let me ask one question, what's the purpose of the box.

Mr. Williams stated electronic equipment.

Mr. Javaras stated for what, what.

Mr. Williams stated to upgrade services.

Mr. Javaras stated well how are you doing it now.

Mr. Williams stated a right now, we have electronic equipment out there.

Mr. Javaras stated where.

Mr. Williams stated at that pad on the corner there, in an easement.

Mr. Javaras stated and let me ask you a question, how big is the box.

Mr. Williams stated it is 48", 56" wide and 26" deep.

Mr. Javaras stated and it's just going to sit on the ground, it's not going to sit on.

Mr. Williams stated it is going to sit on a concrete pad.

Mr. Javaras stated that's it, it's not going to be like the thing in his front yard that's sits this high.

Mr. Williams stated it's going to be 48".

Mr. Javaras stated he understands, he means it is bad enough we have got four poles, we got, he means, he doesn't even know how you can turn onto State without seeing pole, pole and a big box, he doesn't know how you approved that last time, he means he complained to everybody and nothing happened and he would hate to see him go through the same thing he goes through every day.

Mr. Stark stated he still has ruts to, he understands where you are coming from, they ditched the whole side of his property when they put that control thing in and then the Water Department came out and then your people, they have not, he put in, he put in 14 yards of fill when he bought the property to take care of the situation and then they came through and ditched it and then the Water Department came and flushed the hydrants, they flooded out all the top soil and they were suppose to come in and put that back in and that hasn't been addressed yet, he has been working with your Engineering Department because he has got drainage problems now, he has got, he has got wetlands, a wetland appearing on his north side of his driveway pad and he said that it happen last year and he is now concerned with mosquitoes brewing in that swamp water there and when he cuts the grass, he just might, might loose a tractor someday, it's, it's undermine, they tell him, drainage water, that's not your problem, that's City Water and a the people.

Chairman Sandora stated well they will dress that up, they'll, they'll, they will fix up the box on your corner and how come you guys don't go back and take care of those ruts if they are going to cause ruts.

Mr. Stark was inaudible. Mr. Stark stated it is not his problem, this is a.

Mr. Javaras stated we have a pull off.

Chairman Sandora stated okay so it's others, other places, okay.

Chairman Sandora stated to this Gentleman over here the, the poles and the other boxes that you were talking about those are traffic devices and they don't come before us.

Mr. Javaras stated well he means he was promised that everything would be fixed and not one person came up.

Mr. Stark stated that was ODOT.

Mr. Javaras stated well it was the Police Department.

Mr. Stark stated oh yeah, that's right.

Chairman Sandora stated anybody else.

Yes, she is Josephine Dhayer and she lives right across the street from that, his backyard faces her front. Mrs. Dhayer stated she is the one that started all this, they were going to build that box originally in her yard and the guys were parking on her driveway, putting ruts in her yard, so they decided after she came to you people, they decided to move it across the street and that was Ohio Bell and now it's at&t so her daughter is a Director and they have, she has worked with them to see if they could do the shrubs because it's an eyesore, it really is because as she comes out, you can see the picture on the, picture, her ranch is right there so what he is talking about is, you know it looks junky, it really does it looks.

Chairman Sandora stated well he, the man from at&t has stated that they will take those out and they will landscape it, he means that's all they, we can do.

Mrs. Dhayer stated they will because she has been with the Company 35 years, her daughter is a Director and we will get it done.

Chairman Sandora stated okay, thank You Ma'am.

Mrs. Dhayer stated okay, but someone was saying that they don't have to put anything there but it's an eyesore if you don't put anything there.

Chairman Sandora stated right.

Mrs. Dayher stated Thank You.

Chairman Sandora stated Thank You, anybody else.

Mayor Luks stated Mr. Chairman, she moves to approve.

Don Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated it's been approved.

Mr. Williams stated Thank You.

Miscellaneous

Ms. Fashempour stated she has one item under Miscellaneous if the Board so chooses, so chooses to add;

Meagher, Todd and Angella, Oakridge Estates Swim Club, Inc., Maplegrove Drive, **Lot Split and Consolidation**, R1-A Zoning, PPN 489-13-001, 039 and 032.

Chairman Sandora stated is the Applicant here or would somebody who would like to speak on it.

Ms. Fashempour stated she needs a motion to add it if you so choose first.

Chairman Sandora stated he is sorry, motion to add Oakridge Estates Swimming a, meet to the Agenda.

Victor Bull stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Reinkober, Mayor Luks, Willey, Bull, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated anyone here from Oakridge step forward.

Mr. O'Donnell stated Mr. Chairman, he, he, he will speak on behalf of Oakridge.

Chairman Sandora stated Mr. O'Donnell.

Mr. O'Donnell stated this is a, a, lot split and consolidation where the Meagher's, who own property adjacent to Oakridge Estates Pool is, is donating some land to the pool which will solve the pools ongoing parking issues, last year there was a quite a difficulty over parking, and the Police were called a number of times to issue citations to property, people attending the pool functions who were parking on Maplegrove and in order to resolve that the pool worked out an agreement with the Meagher's and they are donating somewhere between one to two acres of backland which will be added to the pools existing property and a it will help the pool solve it's parking situation, he ran this by Clark and he doesn't think there are any issues with regards to the legal descriptions or the lot lines or the size of the parcel etc., he would add that the pools existing property is landlocked, it does not connect to any public street except by easement that were granted first to the City back the 70's, the City then vacated them and then they were

granted by the Developer to the pool and that's still going to be the case but were, we are working with a State Road property owner and hopefully we will get the same type of arrangement with them and eventually combine enough parcels to have frontage on State Road.

Chairman Sandora stated Thank You Mr. O'Donnell.

Chairman Sandora stated Mr. Merdes do you have anything.

Mr. Merdes stated Thank You, he has reviewed the Legal Descriptions and the drawing and have no concerns, they, there both correct a, and this actually does accomplish it, it, starts with three parcels and, and consolidates to two and it, it gets really rid of one other parcel that's landlocked so it's, it's moving in the right direction in that a one of these landlocked parcels is, is being gone and, and that's an improvement, Thanks.

Chairman Sandora stated Thank You.

Chairman Sandora stated anybody else on the Board have any questions, comments, concerns, anybody in the audience.

Chairman Sandora stated can he have a motion to, can he have a motion to approve.

Mayor Luks stated second.

Don Willey stated so moved.

Chairman Sandora stated moved and seconded, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Mayor Luks, Willey, Bull, Reinkober, Chairman Sandora. Nays: None. Motion carried.

Chairman Sandora stated you are approved.

Adjournment

Chairman Sandora stated can he have a motion to adjourn.

So moved Don Willey.

Second Mayor Luks.

Chairman Sandora stated moved and seconded to adjourn, Ms. Fashempour please call the roll.

Roll call: Yeas: Five - Bull, Reinkober, Mayor Luks, Willey, Chairman Sandora. Nays: None. Motion carried.

Planning Commission adjourned at 9:23 P.M. on Wednesday, June 6, 2007.

Approved: Tony Sandora, Chairman - Planning Commission

Attest : Brenda Lynn Fashempour, Secretary - Planning Commission

Date : June 20, 2007