

Planning Commission Caucus - 7:15 P.M. - Wednesday, March 4, 2009.

Present: Mayor Robert A. Stefanik, Victor Bull, Vice Chairman/Council Representative to Planning Commission Don Willey, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Tom Kelly, Law Director, Council Ward Five Larry Antoskiewicz, Gary Petrusky, Council Ward 2, Ms. Petrusky, Ed Kisiel, Sr., and Ed Kisiel, Jr., Wayne Repko, Joe Lechko, Jim Root, Pat Jones, Human Resources, Michael Mackay and Brenda L. Fashempour, Secretary.

Planning Commission Agenda Reviewed.

Public Hearing

Call to order.

Roll call. Motion, second to excuse Chairman Sandora and Michael McCarthy. Roll call.

Pledge of Allegiance

Public Hearing - City of North Royalton - Heasley Field. Notification mailed out to residents. CJ Cutter to be present. Opportunity missed to drill this spring, next fall, winter. Motion to refer to the Regular Order of Business, second, roll call.

Adjournment - Motion to adjourn, second, roll call.

Regular Meeting

Call to order.

Roll call. Motion, second to excuse Chairman Sandora and Michael McCarthy. Roll call.

Approval of minutes - February 18, 2008. Motion to approve the minutes of February 18, 2008, second, roll call.

Old Business

Timberlane Estates Phase V - tabled. No action.

Woodcroft Glen, Ext. of Woodcroft Trace, Final Plat 2, tabled. No action.

ManorCare Health Services, Inc. - tabled. No action. Ms. Fashempour stated she is requesting an 120 day time extension from Council.

Motion, second, roll call.

New Business

Site Plan Approval

City of North Royalton, Heasley Soccer Field - Discussion from residents, Planning Commission, motion, second to approve, roll call.

Subdivision Approval

Winding River Development LLC, extension of Evergreen Trail - Notification mailed to residents. Discussion from residents, Planning Commission. Mayor Stefanik will recuse himself from vote, only two members left, no action this evening, motion to table, second, roll call.

Add - Lot Split - Tartan Development Company, Chesapeake Drive, PPN 482-08-004 Part, R1A Zoning. Lot Split (Block A) - 15' Utility Easement, Access Easement to Block A for City of North Royalton Regional Retention Basin. Ms. Fashempour stated the reason for adding this to the Agenda tonight is that Block A will house the City of North Royalton Regional Retention Basin. The Engineer is working on the bid documents for the basin and while doing so discovered that we need split off from the Chesapeake V the Block A and 15' access and utility easement. Therefore, Ms. Fashempour is requesting a motion to add and then a motion to approve. Mr. Kelly and Mr. Schmitzer asked Mr. Mackay if the City could come on the property to dig a few test holes to see about rock. Mr. Mackey stated yes that would be fine. Ms. Fashempour stated she will need a motion, second to add to the Agenda. Ms. Fashempour stated and then if the Commission chooses to approve, motion, second, roll call.

Miscellaneous

None.

Adjournment

Planning Commission Caucus adjourned at 7:25 P.M.

Vice Chairman Willey stated a, please a, before we begin the meeting if you have cell phones please turn them off so they are not disruptive to anybody.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, March 4, 2009 to conduct a Public Hearing. The Planning Commission Public Hearing was called to order by Vice Chairman Donald R. Willey at 7:35 P.M.**

Vice Chairman Willey stated the first section is the Public Hearing, please call the order.

Present: Mayor Robert Stefanik, Don Willey, Council Representative/Vice Chairman, Victor Bull, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Thomas A. Kelly, Law Director and Brenda L. Fashempour, Secretary.

Absent : Michael McCarthy and Chairman Tony Sandora. Ms. Fashempour stated she needs a motion to excuse Michael McCarthy and Chairman Sandora for cause. So moved Victor Bull. Second Vice Chairman Willey. Roll call: Yeas: Three - Vice Chairman Willey, Bull, Mayor Stefanik. Nays: None. Motion carried.

Opening Ceremony - Pledge of Allegiance. Vice Chairman Willey stated please stand for the pledge of allegiance. Pledge of Allegiance recited.

Public Hearing

City of North Royalton, Heasley Soccer Field, 5100 Wallings Road, PPN 489-19-010, Public Facility Zoning. The Public Hearing will address the Site Plan for an Oil and Gas Well to be located at Heasley Soccer Field.

Ms. Fashempour read the Public Hearing Notice, Public Hearing Notice posted at the City's public posting places and mailed to property owners within 500'.

Vice Chairman Willey stated Thank You, is there anyone wishing to be heard on a, the a, Heasley Field Oil Well on Wallings Road. Vice Chairman Willey stated yes Sir, come, come right up, state your name, address and what is the time limit.

Ms. Fashempour stated we don't have a time limit.

Vice Chairman Willey stated oh okay.

Ken Wolnik, 4862 Princeton drive. Mr. Wolnik stated you don't have a map of the location here do you, where is, he doesn't know where the well is relative to the the positioning of the property.

Vice Chairman Willey stated he believes, we have it here, it's going to be located in the a rear, west.

Mr. Schmitzer showed where the well will be located.

Mr. Wolnik stated so that will abut the two houses right adjacent to the that on Princeton Drive then.

Vice Chairman Willey stated he believes.

Mr. Wolnik stated the middle of the block.

Mr. Kelly stated Mr. Wolnik, if you take a look at that map again, he hopes you were looking at the right one.

Mr. Schmitzer stated where, where is Princeton.

Ms. Fashempour stated it is in the back, Royal Valley.

Mr. Schmitzer stated it a backs, it actually abuts a, a property that is on State Road so it's on the west side of the Heasley Field.

Mr. Wolnik stated on the west side where the concession stand is there.

Mr. Schmitzer stated yes, there is a cell tower right over there, it's going to be right over by that.

Mr. Kelly stated it's right behind the cell tower.

Mr. Wolnik stated now when they put the one up at St. Paul, that thing showed up all of the sudden, we had the tower there, it's probably 60' tall, the problem with it was is that thing ran 24/7 and you constantly heard the noise from it, secondly they had these big inaudible lights on there and the people on Corkwood were looking at that every night until that thing was done, what was it about six weeks and the trucks and the noise and the beep beeps every time they backed up, now what is the time frame from when the construction starts to there end, until it's over, does anybody know.

Mr. Kelly stated Mr. Willey.

Vice Chairman Willey stated Mr. a Kelly.

Mr. Kelly stated Mr. Chairman, while this is a Public Hearing and, and we realize that this is the opportunity for the public to speak maybe it's also our opportunity to try share information. Mr. Kelly stated Mr. Wolnik a the, first of all the St. Paul well was drilled by a different Company that doesn't mean however that, that there aren't going to be some similarities, the, let's, let's back it up and start from the beginning. Mr. Kelly stated the sole authority for the issuance of the permit rests with the Ohio Department of Natural Resources, we have absolutely no control over what they do.

Mr. Wolnik stated he understands that.

Mr. Kelly stated okay, that's number one, number two, in spite of the fact that we have no authority our City Council and the Mayor went ahead and passed legislation anyway nibbling around the edges in an effort to try to contain and restrain the developer's and the, and the Oil Company's in such a way as to encourage them to conform there behaviors to something less offensive to the people in the immediate and adjacent properties, to that extent excuse me, we have provided or the legislation at least provides that a our City Engineer our Fire Chief, and our Building Commissioner all have certain authority over the site and in the preparation of the site and in the control of the site but as far as the drilling is concerned as we understand and he is no oil

driller and you know that as we understand it, the process is such that once it starts it cannot stop until they've struck the, the point at which there, there seeking the oil and the gas so that may run anywhere from and Mr. Cutter can tell him if he is wrong, he is right behind you there, seven to ten days is usually what we were told that, that the, the drilling process takes and that's 24/7 seven to ten days. Mr. Kelly stated so that's, that's absolutely going to happen at some point, now he will tell you this and everybody else should know this too, Mr. Cutter has already missed his opportunity to drill this well this spring and there is a variety of reasons for that but now the, the earliest he will be able to put a well in the ground over there is November he thinks, October, November, December, does that help at all.

Mr. Wolnik stated are they going to put some sort of sound barrier around there to insulate the adjacent properties there on Princeton.

Mr. Kelly stated no Sir, there won't be any sound barrier, there will be shading on the lights, the lights will be focused in such a way so as not to, not to interfere with the nearby homeowners but there, there is nothing we can do about the noise he thinks Mr. Cutter has taken the position and told us and it's, and it's played out in some of this other wells that his equipment is actually less noisy then the equipment that was used on the St. Paul job by a different company, a different Oil Company who was that Oil, Ohio Valley, Ohio Valley.

Mr. Wolnik stated yeah, and they came in nobody even knew it until you know rolled down the street one day and there's this tower sitting over there.

Mr. Kelly stated it, it, it certainly brought, it brought, it garnered everyone's attention, yes Sir it did.

Mr. Wolnik stated all right, the only thing he knows this is a done deal because of the Ohio Department of Natural Resources Department is going to do it anyway, he is surprised they are going ahead with this at, at Oil what is it, sixty now a barrel, sixty dollars a barrel it is still worthwhile to do it.

Mr. Kelly stated well, again that's, that's up to the individual Oil Company to, to make a determination about whether they want to make that kind of an investment depending upon what the market place return is likely to be.

Mr. Wolnik stated all right just curious last question, how deep are they going does anybody know.

Mr. Kelly stated he doesn't know, Mr. Cutter may know.

Mr. Cutter stated you are going to be cutting sandstone, you are going to be about 3400' deep.

Mr. Wolnik stated all right that answers his questions.

Mr. Kelly stated Thank You Mr. Wolnik.

Vice Chairman Willey stated Thank You Mr. Wolnik.

Mr. Wolnik stated just watch for a carbon tax on this one.

Laughs.

Vice Chairman Willey stated would anyone else like to be heard on this issue.

Vice Chairman Willey stated Mr. Cutter would you want to address any of the issues, say anything, no, okay.

Vice Chairman Willey stated with a that in mind there's, a lady in the back, come right up, name, address.

My name is Rebecca Myford, she lives at 4902 Princeton Drive, which is probably right behind where they are going to be drilling, a few years ago if you know that area, it's probably one of the highest places in North Royalton and we had flooding, her, her basement flooded and her neighbor's basement flooded and we should never have flooded, now she wants to know is this going to change the ground and is she going to have to worry about flooding again.

Vice Chairman Willey stated Mr. Schmitzer do you want to address that.

Mr. Schmitzer stated he can't answer you, no one could answer you definitely that you are not going to have a flooding issue but he can tell, he can tell you with his experience with Oil Drillers and with Mr. Cutter in particular a the disturbance to the area will not add anymore impervious area then is already out there, impervious area is area such as pavement that does not let water drain through it so any kind of storm event, raining we are not going to have any more hard surface for that water to run then was there before, he will probably have a a slight elevation change vary slight if any to his, his well up off the existing ground but other than that it, it's not, it's so small it's, it's, not even going cause a, a any kind of concern for flooding but he can't say definitely he means, but, he, he would say 99.9% comfort level that it's not going to have a, any issues.

Mr. Myford stated and what is this going to do to the value of her home.

Mr. Schmitzer stated he couldn't speak on that.

Mr. Myford stated well having a well right you know within, she has to be within 500' or you wouldn't have sent her a notice saying that this was going to happen right so you know, nobody knows if it will devalue the price of her home.

Mr. Schmitzer stated he couldn't speak on that, he, he is not in the Real Estate business so.

Vice Chairman Willey stated Thank You Ma'am.

Vice Chairman Willey stated anyone else, any comments, going once, going twice, okay, can he have a motion to adjourn.

Ms. Fashempour stated no, she needs a motion to refer it to the Regular Order of Business.

Vice Chairman Willey stated oh, a motion to refer to Regular Order of Business.

So moved Victor Bull.

Second Mayor Stefanik.

Roll call: Yeas: Three - Vice Chairman Willey, Bull, Mayor Stefanik.
Nays: None. Motion carried.

Adjournment

Ms. Fashempour stated now to adjourn.

Vice Chairman Willey stated we are adjourned.

Ms. Fashempour stated no, a motion to adjourn.

Vice Chairman Willey stated motion to adjourn, got to do everything by a motion.

Mayor Stefanik stated so moved.

Victor Bull stated motion to adjourn.

Vice Chairman Willey stated second.

Roll call: Yeas: Three - Mayor Stefanik, Vice Chairman Willey, Bull.
Nays: None. Motion carried.

Planning Commission Public Hearing adjourned at 7:45 P.M.

Vice Chairman Willey stated okay, he would like to call the Regular Meeting, call to order.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, March 4, 2009** in regular session. The **Planning Commission Meeting** was called to order by **Vice Chairman Donald R. Willey** at **7:45 P.M.**

Vice Chairman Willey stated please call the roll.

Present: Mayor Robert Stefanik, Don Willey, Council Representative/Vice Chairman, Victor Bull, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Thomas A. Kelly, Law Director and Brenda L. Fashempour, Secretary.

Absent : Michael McCarthy and Chairman Tony Sandora. Ms. Fashempour stated she needs a motion to excuse Michael McCarthy and Chairman Sandora for cause. So moved Vice Chairman Willey. Second Victor Bull. Roll call: Yeas: Three - Vice Chairman Willey, Bull, McCarthy, Mayor Stefanik. Nays: None. Motion carried.

Approval of minutes: February 18, 2009. Ms. Fashempour stated under **Approval of minutes, February 18th, 2009 if you so choose. So moved Victor Bull. Second Vice Chairman Willey. Roll call: Yeas: Three - Bull, Mayor Stefanik, Willey. Nays: None. Motion carried.**

Old Business

Harry Hayes, Timberlane Farms, **Timberlane Estates Phase V.** Revised Sketch Plan Approval. Tabled.

Ms. Fashempour stated Timberlane Estates Phase V, it is tabled, no action.

Woodcroft Glen, Royalton Road, GB and RMD Zoning. Woodcroft Glen Phase 2 Final Plat - Approval. Tabled.

Ms. Fashempour stated Woodcroft Glen it is tabled, no action.

ManorCare Health Services, Inc., PPN 482-05-002, R1A Zoning, Sprague Road. Parking Lot Expansion Plan approval. Tabled.

Ms. Fashempour stated ManorCare Health Services, Inc., it is tabled, no action.

New Business:

Site Plan Approval

City of North Royalton, Heasley Soccer Field, 5100 Wallings Road, PPN 489-19-010, Public Facility Zoning. **Site Plan Approval for an Oil and Gas Well located at Heasley Soccer Field.**

Vice Chairman Willey stated does, is there anyone to be heard on this, from the, to, from the Engineer do you have any comments.

Mr. Schmitzer stated no, he has no comments on this matter.

Vice Chairman Willey stated from the Building Commissioner.

Mr. Alvarez stated no comment Mr. Chairman.

Vice Chairman Willey stated from the Mayor.

Mayor Stefanik stated Mr. Chairman.

Vice Chairman Willey stated yes Sir.

Mayor Stefanik stated if he could just ask the residents that live nearby did you get a map of this, where the well is going to be located if we could ask Councilman Antoskiewicz if you could jot down your address we will make sure we get one in the mail to everybody.

Vice Chairman Willey stated Thank You.

Vice Chairman Willey stated motion to approve Heasley Field, Heasley Soccer Field, City of North Royalton well.

Victor Bull stated so moved.

Mayor Stefanik stated second.

Vice Chairman Willey stated call the roll.

Roll call: Three - Mayor Stefanik, Vice Chairman Willey, Bull. Nays: None. Motion carried.

Subdivision Approval

Winding River Development LLC, extension of Evergreen Trail into a cul-de-sac with five sublots and one subplot off River Valley Blvd., PPN 485-17-147 and 485-17-148, Rural Residential Zoning. Sketch Plan Approval for six sublots.

Vice Chairman Willey stated is there anyone wishing to be heard on this issue.

Vice Chairman Willey stated yes Sir, come right up state your name, address.

I am Bill Allen, 10315 Buckeye Trail, Mr. Allen stated there just seems to be a lot of information out there which no one is really certain what's happening with this so as far as Timberlane Estates, Mr. Hayes has done a good job putting together a bunch of restrictions as far as the types of homes there, the size, what's allowed on the front, are these five sublots going to have the same restrictions.

Vice Chairman Willey stated can someone address that.

Applicant stated yes.

Vice Chairman Willey stated state your name.

Joe Lechko for Winding River Development and a, the lots at a the end of Evergreen Trail yeah, they will be similar to a the, the same homes will have the same deed restrictions as far as the size and brick front requirements side load garages, he met with Mr. Hayes and we might be part of the same association or not and it will depend on our storm retention so what's fair, so the people on Evergreen Trail aren't paying to maintain their storm retention or vice a versa but as far as the homes they will conform with what's there.

Mr. Allen stated okay, so the homes are going to be like what's in Timberlane not what's in Greenbriar development.

Mr. Lechko stated yeah the homes on Evergreen Trail in the cul-de-sac will be what's in Timberlane and the one home that's going to be on River Valley Blvd will be like what's in Greenbriar.

Mr. Allen stated okay and final question, is there an access road between Evergreen and the other development people are thinking that this is going to be a cut through between Boston and Bennett but there's no access it is just a closed cul-de-sac right.

Mr. Lechko stated no were not, were not, no cut thru.

Mr. Lechko showed plans, so this is a Evergreen Trail.

Mr. Allen stated okay.

Mr. Lechko stated technically this over to the site.

Vice Chairman Willey stated you can use the front table if you would like to.

Mr. Lechko stated so this is where Evergreen Trail ends right now and we are literally just putting a cul-de-sac right at the end there will be five sublots, we are proposing large lots that they will be you know two acres and this one will be larger and then the rest of the area it's already a conservation area and this will just all be deeded over to the Greenbriar so this is it.

Mr. Lechko showed plans.

Mr. Allen stated looks good, Thank You.

Vice Chairman Willey stated Thank You Sir, any, anyone else, yes Sir, name, name and address.

Pat Pignataro and he lives on 10325 Buckeye Trail and his questions is.

Vice Chairman Willey stated Mr. Pignataro.

Mr. Pignataro stated part of the reason that, that the developer, the current developer of Timberlane has been able to control the types of homes is because he has not let in National Builders like US Homes and Pulte and Ryan where they tend to be very low grade and he is in the Building Industry and he wants to know are, are these lots going to be restricted to the same three or four builders that he has the rest of the development restrict to.

Mr. Lechko stated well their, they are, were, were builders, Lechko Builders.

Mr. Pignataro stated okay.

Mr. Lechko stated so were, were going to building them, we may offer some of them up for sale to individuals, you know they can hire their own builders is that, does that answer the question you are looking for.

Mr. Pignataro stated it, it does so he doesn't know, he is sorry he doesn't know about Lechko Builders and it wasn't, it wasn't obvious and.

Mr. Lechko stated we just, we build a few custom homes a year.

Mr. Pignataro stated Custom Homes.

Mr. Lechko stated definitely not a National Builder.

Mr. Pignataro stated okay, because we had heard, we had actually had heard you know kind of through the grape vine that it was going to be opened up to US Homes.

Mr. Lechko stated yeah, well we brought the land from US Homes when they pulled out of town so.

Mr. Pignataro stated okay.

Mr. Lechko stated they used to own it now they have nothing to do with it.

Mr. Pignataro stated okay, and his other question is regarding what, what we understood was going to happen with Timberlane Phase V was that it was actually going to come around and connect into this road and that was going to be where the retention basin and other things were going to be that would then take away some of the easements on their lots so his question now is if this has changed from what the original plan was that, that they told us when they sold us the lots that were on you know where is the retention basin going to go and, and when, and when can we expect that and he thinks you know is that going to be mandatory part of this development.

Mr. Lechko stated he, he is not aware that it was ever suppose to be part of, he doesn't know how long that goes back but the the plan when we found the property it was suppose to be 25 cluster homes as part of Greenbriar and they were suppose to butt right up to Evergreen Trail that's, that's all he knows about it, he doesn't know if it was ever you know meant to be part of Timberlane in a bigger scale but a, and, and were going to have our own little retention pond between the two lots, hence, and actually we are proposing right here.

Mr. Pignataro stated he, he bought three years ago and what he was told was that, that last street off the right the one right before Buckeye and he doesn't remember the name right now, it's not cut thru it is just a little, do you know what that's called Sycamore, that's Sycamore was going to come around and connect in there.

Vice Chairman Willey stated Mr. Hayes please a.

Mr. Hayes stated what's your number or what lot or what's your name.

Mr. Pignataro stated Pat Pignataro, he thinks it is.

Mr. Hayes stated 109.

Mr. Pignataro stated 109.

Harry Hayes, Timberlane Farms, 9650 Boston Road. Mr. Hayes stated you asked, Mr. Pignataro asked about Phase V, Phase V takes off from Sycamore Trail, Sycamore Trail is the stub street that's just south of Buckeye and Phase V is completely east of all, Buckeye Trail and Evergreen Trail.

Mr. Pignataro stated okay, so it doesn't come around.

Mr. Hayes stated no, nothing comes around.

Mr. Pignataro stated okay.

Mr. Hayes stated there retention basin will be separate from ours, what, whatever they have to do, he is not familiar with what they have to do for their detention basin but you know where ours is in Phase IV.

Mr. Pignataro stated no, he is not sure exactly.

Mr. Hayes stated oh, okay, Phase IV is right about, off the end north of Buckeye Trail, Buckeye cul-de-sac.

Mr. Pignataro stated okay.

Mr. Hayes stated and that's, that will be just for Phase IV.

Mr. Pignataro stated okay.

Mr. Hayes stated Phase V will have to have another retention basin and that will be up to the Corps and we are in the process of going through wetlands and working with the Corps but a that will be completely separate and completely within the realm of Timberlane Farms. Mr. Hayes stated Timberlane Farms property ends right at the end of the existing Buckeye, Evergreen Trail at the present time, that's the end of Evergreen of Timberlane Farms property.

Mr. Pignataro stated okay so this won't be part of Timberlane.

Mr. Hayes stated this will not be part of Timberlane, no.

Mr. Pignataro stated okay.

Mr. Hayes stated we have restrictions and a homeowners guidelines to be built by and a we feel that the subdivision, Timberlane Estates was one of the better subdivisions in a the City of North Royalton and we would hope that a these being five, five lots at the end of Evergreen Trail would try to follow the same guidelines or so of the setup for Timberlane Estates most of the houses in Timberlane Estates greatly exceed the guidelines and restrictions of the homeowners manual.

Mr. Pignataro stated okay.

Mr. Hayes stated any other questions.

Mr. Pignataro stated but, but, but they won't be, they won't necessarily have to follow the manual.

Mr. Hayes stated no, no, this is.

Mr. Pignataro stated because he talked to.

Someone stated can I make one more statement.

Vice Chairman Willey stated wait, wait until Mr. Hayes is finished.

Mr. Hayes stated yeah, this is completely separate, different builder and it's up to him.

Someone stated okay.

Someone stated yeah, Mr. Hayes he just heard say we hope it conforms to the restrictions and guidelines.

Mr. Lechko stated well we are going to conform to it he means.

Someone stated he means is based on the Market he means.

Someone stated will we have an opportunity to.

Vice Chairman Willey stated well.

Someone stated two years from now you can't sell the lots all of the sudden you guys say hey let's put a \$100,000.00 home on there.

Vice Chairman Willey stated City can't hold, City can't enforce the quality of, of stuff being built there unless there are specific deed, deed restrictions and so on is that correct Mr. Kelly.

Mr. Kelly stated Mr. Chairman, that's correct and yet what you, what you may do and, and he suspects Mr. Lechko would, would likely be favorable to, to such a suggestion is that you condition your approval of the proposed sublots and, and splits on the imposition of deed restrictions and covenants that, that mirror those of Timberlane.

Mr. Lechko stated right.

Mr. Kelly stated so in, in that affect you tie your approval to the willingness and acceptance on the part of the developer to meet those same deed restrictions and covenants as are already in place for the other homes on the street is that okay Mr. Lechko.

Mr. Lechko stated yeah, that's fine, because we, we, intended to have, you know we would have to have deed restrictions from day one on them anyways to sell the lots and protect people somebody has to be the first one to buy a lot and they are going to want to have deed restrictions so he means there are going to be on the property anyways.

Mr. Kelly stated so your commitment, Mr. Lechko just so we are clear, you are committing to impose deed restrictions and covenants on your six lots or, or just five, maybe it's just five.

Mr. Lechko stated yeah five.

Mr. Kelly stated because the other has to go on an entirely different plane but on the five lots that represent the cul-de-sac lots you, you are committing yourself as the applicant here to impose covenants and restrictions on them that mirror those of Mr. Hayes and his Timberlane Development.

Mr. Lechko stated yeah we, we discussed that already.

Mr. Kelly stated now let's, let's, that's what you are committing do to.

Mr. Lechko stated yeah that's fine, yeah, there.

Mr. Kelly stated because, because Mr., Mr. Alvarez down the other end here is, is not going to issue a building permit unless and until those deed restrictions are in place.

Mr. Lechko stated there was one thing, there is always one thing, and that we might allow sheds or an outbuilding just because of the size of the lots especially one of the lots he thinks is.

Vice Chairman Willey stated 1,000 feet.

Mr. Lechko stated quite large a, 5.5 acres and it's likely somebody with a lot that large might have a riding lawnmower or something that they might need a utility shed for and he, he don't, he don't' think.

Mr. Kisiel stated he has a restriction for a shed.

Mr. Lechko stated you guys allow sheds or.

Mr. Hayes stated yeah, we do, Harry Hayes, we allow sheds however got the restriction of 150 square feet and that's a fairly small shed he sees that you are so the Agenda says that you are going rural residential with this which means your lots will be and they are about two aces or close to it and that can be adjusted, the size of that he means there is room in there that can be adjusted or waived for a shed or something like that in the homeowners rules so he can waive that if it's not big enough.

Mr. Kelly stated well, he, were, were in kind of an odd position here, were not technically suppose to be negotiating with the developer over these things and yet at the same time we place ourselves in, in that position, Mr. Lechko, what size shed maximum would you propose that you be allowed for your five sublots on the, on the, on the cul-de-sac as opposed to the size that's already in place.

Mr. Lechko stated he would imagine, he means he would imagine something like that would be pretty close he, he didn't know that they were allowed sheds.

Mr. Kelly stated nope, let's, let's have a number.

Vice Chairman Willey stated excuse me isn't the, but because of the differences in the lot size there is six, the smallest lot just under two aces, the largest is 5.86 a in, in other, of course if you restrict it that's, that's one thing based, based on, based on the size of the lots we and the other areas and a, we have, various sizes based on the size of the lots so if you have a 500' frontage and a 1,000 foot you know deep you are allowed to build on 35% of the lot you could build a barn.

Mr. Lechko stated well maybe he knows, he doesn't think it is going to get voted on tonight if he is correct.

Vice Chairman Willey stated correct.

Mr. Lechko stated so maybe the best thing to do would be maybe he should review the the restrictions for Timberlane and maybe come up with just the outline of the high lights and a in subdivisions we have done in the past we have actually maybe like the first subplot one that is a very large lot you know we could allow them to have a 300 square foot shed and maybe the others would just be you know 10 x 10 or something so we have done that in past where we have gave, gave a little bit more to a lot that allows for that exception that has the room for it so maybe, maybe we will handle it that way if it's okay with everybody that.

Mr. Kelly stated well we appreciate your willingness to cooperate and and look forward to seeing what your proposal is next time around he guessed.

Mr. Kelly stated Mr. Chairman, that, that make sense.

Vice Chairman Willey stated Thank You Mr. Kelly, Gentleman Thank You very much anybody else wishing to be heard, yes Sir, name and address.

Edward Kisiel, Sublot 101 in Timberlane Estates.

Vice Chairman Willey stated okay.

Mr. Kisiel stated yeah, yes, he just wants to be on the record as saying yeah, you know he agrees with these guys that restrictions seem to be maybe made to protect the lot that he has and also the other homeowners there too then a, he guessed just to see the, the restrictions before you know the approval is made so.

Vice Chairman Willey stated that would be at a future meeting he would assume, were not going to vote on this tonight because we don't have a quorum but a, a, he would assume that this would be ready for the next Planning, Planning meeting, when is that two weeks from tonight.

Ms. Fashempour stated the 18th.

Vice Chairman Willey stated the 18th, that's St. Patrick's, no, no St, Patrick's is the 17th.

Mr. Lechko stated well when, when does everything need to be turned in for that meeting.

Ms. Fashempour stated it should have been turned in last week Friday.

Mr. Lechko stated okay so he is going to miss that deadline.

Ms. Fashempour stated yeah, unless, you know, unless you can, well, see what you can do, let her know.

Mr. Lechko stated it will probably take him a few days.

Ms. Fashempour stated it will be, it will be tabled anyhow so she means, you know, you are on the Agenda so it's nothing that will be.

Mr. Lechko stated and then by then we should have a chance to get with the Engineering Department and just a go over the other comments that exist.

Vice Chairman Willey stated yes Sir, step right up, name and address.

Yes, my name is Edward Kisiel, Sublot 93, Evergreen, he just wants to say something if you Mr. Hayes said, he don't want to be, this is going to be part of the Association as what he sees it should be these five lots have there own association because in the future City going to wash hands who is going to take over, take care of that retention.

Vice Chairman Willey stated okay, Thank You.

Mr. Kisiel he has to, he has to follow this restriction you know what Mr., Timberlane have already.

Vice Chairman Willey stated uh um, Thank You Sir.

Just, just one last comment, Pat Pignataro.

Vice Chairman Willey stated what is your name.

Pat Pignataro, 10352 Buckeye.

Vice Chairman Willey stated okay, Thank You.

Mr. Pignataro stated just, just looking at the, the, the a, the a lay of the land here he, he thinks that although the lots are big, there, with the ravine and some of the other things and some of the. the easements he can see, he thinks the shed issue is something we have to really nail down because it looks like there's, it's not like it's going to be a shed way off in the corner, it looks like it would have to be relatively close to the, to the actual you know homes themselves and a so although the land is there he thinks what they'll probably end up that's usable land is going to be limited so, he, he thinks it, it does need to be looked at closer.

Vice Chairman Willey stated well they still have to conform with the a City of North Royalton's Building Codes and, and also with the EPA Restrictions and Department of Corps of Engineers and so forth so that in and of itself will address itself.

Mr. Pignataro stated okay, Thank You.

Vice Chairman Willey stated Thank You.

Vice Chairman Willey stated yes Sir, name and address.

Wayne Repko 18230 River Valley Boulevard in Greenbriar. Mr. Repko stated he was the President of the Board of Trustee for Greenbriar Homeowners Association when Mr. Lechko purchased this property from US Homes and he was involved with the negotiations between US Homes, his Company and the Homeowners Association at the time this property transferred, um, the only thing he can say is that a Mr. Lechko purchased about half the lots were available from US Homes and in his personal opinion he wished he had purchased all of the lots that were available from US Homes, he is the only builder that has done everything that he had said he would do and he has offered to do things and he, and he has followed through so we are very happy with the ones that he has built in the development, he did not build his home but he kind of wished that he had.

Vice Chairman Willey laughed.

Mr. Repko stated also the Board of Trustees at the time that a Mr. Lechko presented this information to the Homeowners Association for these five lots and the one lot on River Valley Boulevard was approved by the Board of Trustees and he did sign that as the President but we also in their agreement that was negotiated between US Homes, Mr. Lechko and the Homeowners Association indicated that as one of the other gentleman from Timberlane indicated that a, we didn't want any interconnection between the two developments for the purposes of a cut

thru to Boston Road also security reasons obviously you know that Greenbriar is a gated community so we would appreciate the fact that the a two developments are separate and as far as the house on Greenbriar Boulevard, or River Valley Boulevard in Greenbriar as he said we, we did approve that and signed off on the plat that was presented to us previously.

Vice Chairman Willey stated okay Mr. Repko, Thank You very much Mr. Repko.

Mr. Repko stated okay.

Vice Chairman Willey stated any other residents, interested parties, disinterested parties, no, anyone on the Commission, any comment, okay, Thank You Mr. Lechko, appreciate it.

Mr. Lechko stated Thank You.

Vice Chairman Willey stated motion to table.

Mayor Stefanik stated Mr. Chairman.

Vice Chairman Willey stated yes Sir.

Mayor Stefanik stated at this time he must recuse himself from voting on any issues involving Lechko Homes due to a pending business transaction.

Vice Chairman Willey stated okay, Thank You.

Ms. Fashempour stated motion to table.

Victor Bull stated motion to tabled.

Vice Chairman Willey stated second.

Roll call: Yeas: Two - Bull, Vice Chairman Willey. Nays: None. Ms. Fashempour called Mayor Stefanik, Mayor Stefanik recused. Vice Chairman Willey stated can't vote, stay here all night. Ms. Fashempour stated okay it is tabled. Vice Chairman Willey stated it's tabled. Motion carried.

Miscellaneous

Ms. Fashempour stated she has one other items she would like, a motion to add;

Tartan Development Company, Chesapeake Drive, PPN 482-08-004 Part, R1-A Zoning. Lot Split (Block A) - 15' Utility Easement, Access Easement to Block A for City of North Royalton Regional Retention Basin.

Vice Chairman Willey stated so moved.

Second Victor Bull.

Roll call: Yeas: Three - Mayor Stefanik, Vice Chairman Willey, Bull. Nays: None. Motion carried.

Ms. Fashempour asked Mr. Schmitzer to explain.

Mr. Schmitzer stated the a, the item that has been added is a, part of the proposed Regional Storm Water Basin that is one of the many projects that the City is doing to alleviate some of the storm water flooding issues that we have had especially in the north end of the City a, Tartan Development is proposing four homes as an extension of Chesapeake and it's called Phase V and adjacent to that and in an agreement with the City has agreed to we are putting in a Regional Basin the original plan was to just put in a subdivision with it's own pond and we came, we felt it was necessary for that area to put in a Regional Basin, we worked with the Developer and came to an agreement the land has been from the adjacent property owners has been split and consolidated to from one large parcel right now and this, this item is to approve the Block A portion of the land that the City will take ownership of for the construction of the Regional Basin as well as a 15' Access and Utility Easement to access the property off the existing right of way.

Vice Chairman Willey stated Thank You Mr. Schmitzer, will, question to the Engineer, will that 15' access easement be large enough for City Vehicles to get in there.

Mr. Schmitzer stated yes it will.

Vice Chairman Willey stated okay, Thank You.

Vice Chairman Willey stated any questions regarding that, any comments to be heard, that is splitting a large lot, this is for the purpose of storm, storm water control as in the Chesapeake Development it is to eliminate water hurdling down between Ridge Road and York Road and flooding some of our streets west of York Road.

Vice Chairman Willey stated motion to a.

Mayor Stefanik stated motion to approve.

Victor Bull stated second.

Roll call: Yeas: Three - Mayor Stefanik, Vice Chairman Willey, Bull.
Nays: None. Motion carried.

Ms. Fashempour stated she has nothing else under Miscellaneous.

Adjournment

Victor Bull stated motion to adjourn.

Vice Chairman Willey stated second.

Roll call: Yeas: Three - Mayor Stefanik, Vice Chairman Willey, Bull.
Nays: None. Motion carried.

Ms. Fashempour stated Thank You.

Vice Chairman Willey stated Thank You very much for attending.

Planning Commission Meeting for Wednesday, March 4, 2009 adjourned at 8:10 P.M.

Approved: Tony Sandora, Chairman - Planning Commission

Attest : Brenda Lynn Fashempour, Secretary - Planning Commission

Date : March 18, 2009