The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, June 21, 2017 to conduct a Public Hearing. The hearing was called to order at 7:00 p.m. by Chair Tim Miller and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Tim Miller, Larry Antoskiewicz, Mayor Stefanik, Jessica Fenos, Frank Castrovillari, Secretary Diane Veverka. Administration: Law Director Thomas Kelly, Building Commissioner Dan Kulchytsky, Community Development Director Tom Jordan.

For the benefit of those in the audience, the Law Director provided a brief overview of the PC meeting process and procedures.

PUBLIC HEARING:

The Secretary to the PC stated Public Hearing notices were sent to property owners within 500 feet of the property in question and posted as required.

1. Meadowview Subdivision. MG Civil Design LLC on behalf of Terrence Monnolly Trustee is seeking Preliminary Plan Approval for Meadowview Subdivision. The subdivision will consist of 37 single family residential lots on PPN: 481-04-050 and PPN: 481-04-048 on the west side of Abbey Road between Albion Road and Sprague Road in a R1-A Zoning District.

The Law Director stated tonight’s meeting is the second phase of the development project where the Applicant has the right to present to the PC a preliminary plan. The Applicant is now given the opportunity to try and meet the rules and regulations and the design demands of the City.

Both Rich Beran Engineer for BDC Real Estate Management and Development and Dan Barcikoski with MG Civil Design LLC, spoke on behalf of Terrence Monnolly, the owner of the property to be developed. Mr. Beran stated the plan with regards to layout of the streets, storm water, sanitary locations and the water line locations have not changed. The actual size and characteristics of the detention basins have changed. There are two on the site as planned right now; a larger one is located in the middle. The basin located in the bottom southeast corner has major changes from the original presentation. He said in that area there is about 2.2 acres that consists of backyards off of Gardenside along with some of the existing land that currently drains out to Abbey Road. The original plan was to allow the basin to drain once it filled up to that ditch. That has been changed; it will be piped underground along the rear of the homes on Abbey under the street into the new larger detention basin in the middle. He explained the addition of catch basins throughout the subdivision will either drain into sewers or work its way back to the new basin. He stated a swale will be dug along the property line so any of the water draining to the north will be caught in the swale and brought back into the catch basins. Water from an underground system will come into the large detention basin and will be held; it will then be piped underground out to Abbey Road and connect into the existing box culvert. The idea behind the detention basins is to hold back as much water as possible and then release it at a slower rate than it is today. The Engineering Studies provided to the City’s Engineering Department show they have substantially reduced the flow rate. Future plans, if approved, will show the exact size of the pipe and how the structure will be put together. Mr. Beran stated the setback lines from the center of the swale are a minimum of 25 feet to a structure. All of the rear yard basins and any catch basins within the site will have easements to allow the City access to go in if needed. The obligation will be first with the HOA. The covenant’s restrictions will not allow construction of outbuildings or other items in the easements that may affect the swale.
There will also be certain restrictions on fencing so the fencing can’t go all the way to the ground and possibly disturb the water courses set by all the grading that is going to be established. All the downspouts of the houses will be tied into the underground system. This is to eliminate some of the overland water drainage; putting as much water into the detainage basin as possible. They are prepared to execute a developer’s agreement including fees prior to final approval. The Engineer will look at the sanitary lines and provide to the City and to the Ohio EPA the findings regarding capacity. He said they will include a final submittal showing landscape buffers with regards to the homes on the back of Abbey Drive along with additional landscaping detail.

Jim Reye, 8560 Abbey Road, asked for clarification regarding a riparian setback requiring a minimum of 75 ft. on each side of all streams draining an area greater than .5 sq. miles have an untouched area on both sides of a stream. He questioned the setbacks and said he felt a variance would be necessary.

Debbie Damas, 12690 Dogwood Trail, stated she is speaking on behalf of her husband Randy Damas, as well as the Moyers, and Rudolphs who also live on the cul-de-sacs. She expressed her concerns regarding unanswered questions and concerns from the last meeting. She stated plans have been approved in the past which had increased flooding problems. One was the development of the Pinebrook Estates, which caused significant water issues for Abbey Road. Also the development of the Diplomat Health Care Independent Living Structures which significantly changed the elevation of the property and subsequently increased the water issues for many residents on the surrounding properties. Her concern was the ability of the sanitary and storm sewers to handle the additional burden of 37 more homes. She asked that if the project were to be approved, a berm be built two feet higher than the elevation across northern property lines of this development which is their southern border. She felt that would help redirect water away from their properties towards the center retention basin. She also asked what will be the plans to abate any flooding during the construction process as required in the ordinances related to the removal of trees and ground cover, the maintenance and or relocation of the existing swales, and expressed concerns regarding wildlife. She asked that all of the questions from the last meeting and current meeting be addressed prior to approval of these plans.

Glen Mayer, 8734 Abbey Road, stated he is speaking on behalf of his mother. He spoke about the past flooding issues with the Cartwright homes. He said underground springs exist through the whole area. He showed pictures of flooding and also the large ravine which the developers are calling a swale. He expressed his concern regarding the wildlife.

Lavern Detz, 8208 Abbey Road, stated her house was built in 1824. She said Abbey Road has reached its saturation point for water, people and wildlife. Abbey Road is used as a cut through. Past promises included gabion baskets being installed; these were never installed. Neighboring properties eroded away and have been lost to the violent Baldwin Creek. Houses and basements are always flooding. That lower section of Abbey Road is a flood plain. She questioned why they have two driveways when many of the other developments have only one.

Ken Boersma, 8700 Abbey Road, stated their residence is between the two entrance/exit roads. He said they met with two representatives, Eric Nelson and Rich Beran, to discuss their concerns and how they have dealt with flooding issues. The extra work he has done has eliminated most of their flooding issues but he is concerned that the development will mess that up. The agreements made by the Applicant are: connect both the footer drainage pipe and the sump pump pipe to the storm drain pipe that they will be installing behind their property; plant
evergreen trees and other landscaping to match the landscaping along the main street entrance on their property along the rear property to help divide and screen their house and the house that is to be built just behind their house; provide fill and top soil and grade front yard if sidewalks are put in across the front of their property; minimize the light shining into their property from the required street lighting to be installed. He said Eric Nelson has confirmed and agreed to these stipulations. He is concerned that a developer can say that they are going to do something and they don’t do it. The City should require the developer to follow through on what they said they are going to do.

Georgene Borowiak, 9051 Abbey Road, gave a lovely history of her father being appointed the first postmaster of North Royalton. She said her parents lived in this house since 1958. She stated she is concerned with the storm water and sewer backup and the increased traffic.

Mike Biegacki, 8850 Abbey Road, spoke about what he considers a large ravine. He said the ditch line/ravine/swale is approximately 100 feet wide and 20 feet deep. The existing culvert is in poor condition and can’t handle the water. He said he has a sump pump which has to be replaced once a year due to the amount of water they get. He said he would be happy to have his sump pump hooked up as well. He showed pictures of flooding on the south end of the area.

David Kowalski, 8809 Abbey Road, stated he lives across from the planned entrance road. He expressed concerns regarding the flooding in neighboring properties as well as the standing water and black sewage sitting at the intersection of Sprague and Abbey. He said the City’s Engineering Department has to control this water and make things work.

Mayor Stefanik stated the three homes which were removed by FEMA were not permitted homes. The owners sued the City to build those homes by Baldwin Creek. The City bought property through the court system and is putting in a huge detention basin; we are spending over one million dollars to hold the water back before it gets to all of your homes down by the Baldwin Creek. Gabion baskets were installed along Baldwin Creek in the area where the three homes were taken down in order to secure the hill and prevent it from falling into the creek. Under Pebblebrook a new culvert was added because the previous one was collapsed. The City required the HOA to dredge the retention basin located in Crystal Creek. The City dredged Rasic’s Lake along with another unknown overgrown retention basin. Over the past eight years, the City has done a lot but we can’t solve all the problems. He stated the group here before us tonight has a plan. The Mayor said he wishes it would stay a field forever but they have property rights. It’s their property and we don’t own the view. He said the City is trying to clean up problems from the Administration before them. Our job is to make sure the developer follows our codes. He said any subdivision that has gone in since he has been Mayor does not flood the residents around it. He said the City makes sure the retention is done properly. They are oversizing the basins from what the state code is. He said the Engineer will speak later in the meeting regarding requirements.

The Chair requested all comments be relative to the subdivision. The Mayor stated he will stay after the meeting and answer any additional questions regarding water retention in other areas of the City that will help this area.

Regina Dravis, 8911 Abbey Road, showed a picture of what her property looks like after ten minutes of rain. She asked the City to hold off and see what happens with the new detention basin being put in so they can learn from that experience to see if the detention basin proposed will be big enough to support the 37 proposed homes. Diligence needs to be done appropriately from the beginning.
Jim Reye, 8560 Abbey Road, asked when the residents can meet with the developer to tell them what their concerns are. The Law Director stated those concerns can be addressed between the resident and the Applicant to discuss similar concerns.

Glenn Mayer, 8734 Abbey Road, presented a petition by the residence affected by the flooding and the proposed subdivision. He also asked why his Councilman John Nickell was not present at the PC meetings regarding the Meadowview Subdivision. He asked if the Applicant is going to fix everyone’s sump pump problems. He said almost every house has back flow problems of sewage.

Lavern Dietz, 8208 Abbey Road, questioned about the EPA money that was left in escrow in order to mitigate the circumstances that had to do with the creek by the bridge.

Moved by Mr. Castrovillari, seconded by Ms. Fenos to move this item to the Regular Order of Business. Roll call: Yeas: Five. Nays: None. Motion carried.

ADJOURNMENT OF THE PUBLIC HEARING

Moved by Mayor Stefanik, seconded by Mr. Antoskiewicz to adjourn the Public Hearing. Roll call: Yeas: Five. Nays: None. Motion carried.

The Public Hearing adjourned at 8:30 p.m.

A ten minute recess was called.

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, June 21, 2017 in regular session. The meeting was called to order at 8:45 p.m. by Chair Tim Miller.

PRESENT: Planning Commission: Chair Tim Miller, Larry Antoskiewicz, Jessica Fenos, Mayor Stefanik, Frank Castrovillari, Secretary Diane Veverka. Administration: Law Director Thomas Kelly, Building Commissioner Dan Kulchytsky, Community Development Director Tom Jordan.

APPROVAL OF MINUTES:

Moved by Mr. Antoskiewicz, seconded by Mr. Fenos to approve the minutes of March 22, 2017 as submitted. Roll call: Yeas: Five. Nays: None. Motion carried.

Moved by Mr. Castrovillari, seconded by Mr. Antoskiewicz to approve the minutes of April 5, 2017 as submitted. Roll call: Yeas: Five. Nays: None. Motion carried.

Moved by Ms. Fenos, seconded by Mr. Castrovillari to approve the minutes of April 19, 2017 as submitted. Roll call: Yeas: Four. Nays: None. (Abstain: Mr. Miller) Motion carried.
OLD BUSINESS

1. **Michael Pizzuti.** Tabled. Michael Pizzuti of EMD, Inc. is seeking Sketch Plan Approval for a subdivision consisting of 10 single family residential lots on PPN: 486-23-003 on the east side of State Road between Cady Road and Wiltshire Road in a Rural Residential Zoning District. Tabled: 5-17-17. No Action.

2. **St. Paul Greek Orthodox Church.** Justin Haselton of R.E. Warner & Assoc. on behalf of St. Paul Greek Orthodox Church is seeking site plan approval for proposed parking lot improvements located at 4548 Wallings Road, also known as PPN: 489-20-003, in a Public Facilities District. Tabled: 3/22/17. No action.

3. **Woodcroft Glen Phase II.** Royalton Road, General Business and Residential Multi-family zoned. Final Plat Approval. Tabled. 180 day extension expires 9-4-17. No action.

4. **Indian Trails Subdivision Phase II.** Woodhill Properties, Inc. is seeking preliminary site plan approval for Indian Trails Subdivision Phase II. The subdivision will consist of 13 lots on PPN: 481-26-051, 481-26-050, 481-26-011 and 481-25-014 in a R1-A Zoning District. Tabled. 180 day extension expires on 12-4-17. No action.

5. **Line-X of Greater Cleveland.** Building plan and preliminary site plan approval for commercial building located at PPN: 483-13-008 Royalton Road in a General Ind. District. Both approvals received on 1/6/16. Tabled. **Requesting a 180 day extension.**

Moved and seconded to remove this item from the table. Motion carried.

The Clerk read into record a letter from the Applicant stating they are requesting a 180 day extension of the site plan approval including all variances granted for the new building located at 10800 Royalton Road. It is their intention to move forward with this building project.

Moved by Mayor Stefanik, seconded by Ms. Fenos to **approve a 180 day extension for Line-X of Greater Cleveland.** Roll call: Yeas: Four (Miller, Fenos, Antoskiewicz, Mayor Stefanik) Nays: None. Mr. Castrovillari recused himself and abstained. **Motion carried.**

Moved and seconded to return this item to the table.

NEW BUSINESS

1. **Meadowview Subdivision.** MG Civil Design LLC on behalf of Terrence Monnolly Trustee is seeking **Preliminary Plan Approval** for Meadowview Subdivision. The subdivision will consist of 37 single family residential lots on PPN: 481-04-050 and PPN: 481-04-048 on the west side of Abbey Road between Albion Road and Sprague Road in a R1-A Zoning District.

The Law Director stated the City has had experience with proposed buildings and developments which were opposed by people on adjoining properties and neighbors. The Supreme Court of Ohio has reportedly ruled that people who own property have the right to develop their property. They have a right to apply for permits for the development and a legal right to have those applications considered in a timely way and with an adherence to the code. Any Municipality that opposes that without legally compelling reasons places the Municipal Corporation at great risk for a law suit.
Both Rich Beran Engineer for BDC Realestate Management and Development and Dan Barcikoski with MG Civil Design LLC, spoke on behalf of the Applicant. Mr. Beran stated per City Code the developers need to complete all the items prior to selling the first lot or bond the items not completed. He made an offer to meet with Mr. Reye or any of the residents to discuss plans. He said the existing drainage ditch is not going to be used. The basins will contain the water and pipe it underground. Their intentions are to take water away from that ditch. He said they are designing an additional detention area behind the homes on Abbey Road to help the residents on both the east and the west side of Abbey Road. The grading of those properties will be adjusted to enable them to drain into the basin. He added, at the developer’s cost, they will complete the studies and the engineering as part of the development to replace the box culvert that goes under the road at the north entrance with a new box culvert that not only meets that of the City but also it will meet the requirements in order to bring it into the site at the proper angles and proper depth.

The Building Division had no comments.

The City Engineer provided the Applicant and Board with four pages of comments. He said they have discussed the items already with the Applicant. He said the swale easements for the swales being created on all sides of the property will be easements; they are always to be maintained and not filled in. The Applicant stated that yes they agreed with that.

He spoke on the topic of FEMA flood zones, riparian setbacks and wetland setbacks contained in our City Ordinances. He said according to the FEMA mapping, these properties are not mapped as a flood zone by FEMA. None of our stricter ordinances regarding development in a flood zone applied to this development. The area across the street on Abbey Road where the Baldwin Creek is located is a flood zone. Regarding the riparian and wetland setback code and the Chagrin Valley information, that information is the same information adopted by NOACA which is the Northeast Ohio Area Coordinating Agency. The model ordinance that came out of NOACA was adopted and is presented in our local code in the City of North Royalton. We were one of the first two or three cities to adopt the code in Northeast Ohio when it first became available. That code applies to streams and wetlands. According to our code a stream is a surface water course with a well-defined bed and banks either natural or artificial which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel. Basically that means that if there is a body of water where plants cannot grow according to Ohio Revised Code 6105.01, and another qualifier is that it has to show up on a USGS topographical map and a soil map done by the Soil Survey of Cuyahoga County USDA NRCS, then a riparian code applies. When we did our review of this site, we looked at the USGS topographical map and the Soil Survey for Cuyahoga County, the drainage way that travels through the property does not show up on either of those maps. Therefore, it is not defined as a stream and for purposes of variances for riparian setbacks those do not apply because there are no setbacks for riparian or box culverts on this site. He said wetland setbacks are another item. He said there is a natural area along that corridor that is going to be preserved and put under the Army Corps permit that will be preserved. Those wetland setbacks will have to be adhered to. He said he understands that the developer is willing to adhere to those according to our code and the conditions set forth by the U.S. Army Corps of Engineers. Most likely it is not defined as a stream, but according to our code as a defined channel which is a natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.
The additional storm water management will help slow the release of the water on the properties on the west side of Abbey Road adjacent to the development. He asked the developer to maximize the mid-basin as much as possible. He also asked them to see if there is any way to push the basin down a bit to get more contours so there is more volume in order to obtain more storage. He said the inlet outlet of that basin is a little bit of a concern having them side by side. He said he would like them to look at having the main outlet further away from the inlet to the basin. It doesn’t allow the pond to be fully utilized. We have seen where sediment builds up and blocks the outlet structure causing the basin not to function properly. He said it sounds like the backup of the sanitary sewer, storm sewers or a combination is a concern from the residents and Administration. He said the Applicants stated they would be looking into the design capacity. He asked that they work with both the Engineering Department and the Waste Water Department so they can look at any known areas of concern or problems that have been reported and see what their design can do to help eliminate or alleviate some of those issues that are occurring along Abbey Road.

He clarified the plans will be reviewed by the Cuyahoga Soil and Water Conservation District, the Engineering Department and the Northeast Ohio Regional Sewer District. If this gets approved, and when all the vegetation and trees are gone, there will be measures implemented on the plans for temporary diversion swales, dikes, and sediment ponds. The City’s Engineering Department will hire fulltime inspectors to watch every part of the project to make sure they build what they said they were going to build and that it actually works. The plat will not be approved without those items being adhered to.

The Clerk read into record the report from the North Royalton Fire Department. It states concerns regarding the street names being similar to existing streets which could cause confusion and possibly delay emergency responses if not changed. This may pertain to the street name Forest.

The Law Director stated he has been in touch with their Attorney, Mr. Todd Shrader. He said he is working up the declaration and bi-laws and homeowners rules and regulations. Those will be provided to the City.

Mayor Stefanik asked if the backyard catch basins planned to be installed would be the responsibilities of the HOA. The Applicant responded yes. Mayor Stefanik added the builder, Drees Homes, will need to notify every potential owner so they are aware of the fact that there is an HOA and if they are selling a lot with a catch basin, it will be the responsibility of the HOA. He wants to be sure there is no confusion of who takes care of it as well as that the water keeps flowing the way we want it to. He asked if the model home planned for Abbey Road will have an Abbey Road address. The Applicant responded he knows the home will be included in the HOA but the Fire Department will assign the address based on the street on which the front door faces. The Mayor asked the Developer to get together with the three property owners on Abbey Road to be sure the back of their properties are pitched to the proposed third retention basin. Residents on the south end of the development may want to meet with the Developer so they are aware of their needs, such as buffering landscape.

Mr. Antoskiewicz asked the Applicant to show where the riparian setbacks are located. The Applicant showed the areas where the areas are located. He said those are separate wetlands that will stay as is so the water will actually continue draining to that site and
continue to allow the water needed to sustain the wetlands be present. It will not drain into the detention basin. We have a delineation map that will show that in future plans.

Mayor Stefanik asked if the two lots on Abbey Road will have a sidewalk. He added that it would be nice to connect the two streets with a sidewalk if people wanted to utilize it to walk around. The Mayor asked Mr. Boersma, one of the property owners, what his thoughts were. Mr. Boersma responded he would prefer to have a sidewalk. He said because of the way his property is graded and the current elevation, significant work would need to be done on the front yard. The Mayor asked if the Applicant if they would help provide all the topsoil and sidewalk. The Applicant responded they would need some direction from the Engineering Department since there is no curb and gutter and also since the sidewalk would be higher than the road, the tree lawn waters would drain onto the road. We would need to go with a different profile than what is common in the city and we would also need direction on the swale that would be between the sidewalk and road. Mr. Schmitzer stated we would use the general guideline used by both the County and our City.

Moved by Ms. Castrovillari, seconded by Mayor Stefanik to approve Preliminary Plan Approval for Meadowview Subdivision. Roll call: Yeas: Five. (Fenos, Miller, Antoskiewicz, Mayor Stefanik, Castrovillari). Nays: None. Motion carried.

The Law Director advised the audience this was the approval for the Preliminary Plan. The Applicant will need to come back with their Final Plan. Another meeting will be held and any interested parties will have another opportunity for their concerns to be addressed. Public Hearing notices will again be sent to the residents within 500 feet of the property.

MISCELLANEOUS

The July 6, 2017 PC meeting will be cancelled. The next scheduled meeting is July 19, 2017.

ADJOURNMENT

Moved by Mr. Antoskiewicz, seconded by Mayor Stefanik to adjourn the June 21, 2017 Planning Commission meeting. Roll call: Yeas: Five. Nays: None. Motion carried.
Meeting adjourned at 9:30 p.m.

APPROVED: /s/ Timothy Miller
Chair

DATE APPROVED: September 6, 2017

ATTEST: /s/ Diane Veverka
Planning Commission Secretary