

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **Wednesday, February 7, 2018 to conduct a Public Hearing**. The hearing was called to order at 7:00 p.m. by Chair Larry Antoskiewicz and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Larry Antoskiewicz, Mayor Stefanik, Frank Castrovillari, Jessica Fenos, Gene Baxendale, Secretary Diane Veverka. Administration: Law Director Thomas Kelly, Building Commissioner Dan Kulchytsky, City Engineer Mark Schmitzer.

REGULAR ORDER OF BUSINESS:

Reorganization:

Election of Chairperson. Moved by Mayor Stefanik, seconded by Frank Castrovillari to **elect Larry Antoskiewicz to the position of Chairperson** by acclamation. Roll call: Yeas: Five. Nays: None. Motion carried.

Election of Vice-Chairperson. Moved by Larry Antoskiewicz, seconded by Mayor Stefanik to **elect Frank Castrovillari to the position of Vice-Chairperson** by acclamation. Roll call: Yeas: Five. Nays: None. Motion carried.

Moved and second to recess from the regular meeting to the Public Hearing. Motion carried.

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. **Gaetano and Giuseppina Campea of Campea and Sons Construction Inc.** members of G.C. Real Estate LLC are seeking site plan approval for 14910 York Road, also known as PPN:483-27-010 currently zoned as a General Industrial District.

Aldo Campea stated the neighbor's three dead trees fell and crushed the existing fence. The Safety Director informed them they would need to fix the fence. They spoke to someone and said they would be installing 2 x 2 x 4 ft. concrete blocks in place of the fence. He said he is seeking approval to have the concrete blocks be permanent in place of fence.

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 Ms. Fenos, seconded by Mr. Castrovillari to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried. The Public Hearing adjourned at 8:07 p.m.**

REGULAR MEETING

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on **Wednesday, February 7, 2018 in regular session**. The meeting was called to order at 7:08 p.m. by Chair Larry Antoskiewicz.

PRESENT: Planning Commission: Chair Larry Antoskiewicz, Mayor Stefanik, Frank Castrovillari, Jessica Fenos, Gene Baxendale, Secretary Diane Veverka. Administration: Law Director Thomas Kelly, Building Commissioner Dan Kulchytsky, City Engineer Mark Schmitzer.

APPROVAL OF MINUTES:

Moved by Mr. Castrovillari, seconded by Ms. Fenos to **approve the minutes of December 20, 2017. Motion carried.**

Moved by Mayor Stefanik, seconded by Ms. Fenos to **approve the minutes of January 3, 2018. Motion carried.**

OLD BUSINESS

1. **Huntington Park Subdivision Phase 4.** Greg Zillich, Zillich Interiors is *requesting a 180 day extension* for Huntington Park Subdivision Phase 4 final site plan approval. The subdivision will consist of 14 single family residential lots on PPN: 488-12-030 in a R1-A zoning District. Phase 4 will be an extension of Angelina Drive. Final Plan approval was granted on 9-7-16. 180 day extension expires 3-5-18. Tabled.

Motion and second to remove from the table. Motion carried.

Greg Zillich stated he is seeking an extension due to circumstances with the parties involved with the property. They are tied up in litigation. The City Engineer said approval was given for a permit to clear the land and start moving dirt/ topsoil stripping. The project is active so the site will need maintained as much as possible during this process that the parties are going through. He asked the Applicant to continue maintaining the current site to be in compliance with the storm water regulations, erosion control measures, etc. He added it has been in compliance.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to **grant a 180 day extension for final site plan approval with the contingency he be in compliance per the Engineering Department requirements.** Roll call: Yeas: Five (Mayor Stefanik, Antoskiewicz, Fenos, Castrovillari, Baxendale). Nays: None. **Motion carried.**

Motion and second to return the item to the table. Motion carried.

2. **Morel Landscaping, LLC.** Robert Morel of Morel Landscaping, LLC and LAF Development, LLC is requesting a 180 day extension for the previously approved lot consolidation and preliminary site plan approval for a landscaping business at 13928 Progress Parkway also known as of PPN: 483-18-016 and PPN: 483-18-018 currently zoned as General Industrial District. These approvals, including similar use approval, were received on 2/22/17 for the southern parcel.

Rob Morel stated he is refocusing on getting the final site plan approval and requesting an extension. The Applicant stated he owns the landscaping business as well as the business that holds the building.

The Building Commissioner stated last year they appeared before PC for similar use determination and preliminary site plan approval for both their parcels as well as lot consolidation. The PC approved a similar use determination for the southern parcel only, the parcel that houses his building. They also approved a preliminary site plan approval for only the southern parcel. The northern parcel was excluded in total. A number of stipulations were placed on the future development of the site. Upon recent inspection, the City discovered many of the requested changes have not been implemented and the northern parcel has seen significant work in terms of deforestation, filling of the ravine, storage of materials and top soil. The Applicant went ahead and did what we told him not to do at the last meeting. It has been a year and the Applicant does not have a final site plan or lot plat consolidation. He will receive violation notices on several of these issues from both the Building Department and Engineering Department. He added their request was for a similar use determination which enables the PC to have broader discretion in their approval.

The City Engineer stated it was very clear at the meeting that the Applicant wanted to do something with the northern parcel and through discussions it was decided that nothing at this time would be done to the northern parcel. Refer to the comments from the 2-22-17 PC Engineering Report. At that time, both the Applicant and his lawyer agreed that nothing would be done on that parcel. He continued, based on our code, the type of work that has been done on the site has multiple violations and penalties to a point that the business could be shut down because of what has taken place. We have ordinances in place for protection of the natural environment. The Applicant has disturbed areas without any notice or permits. Work will need to be performed to correct the areas disturbed. He said he would not recommend any further extension until the site is in compliance.

The Law Director asked Mr. Morel why we are in this position; why he did what he was told not to do. Mr. Morel responded he did not give the necessary oversight which was needed. He said he focused on the operation side of the business. He said it is unacceptable and said the blame is on him. A lot happened when they were moving and when they were trying to get the business started; then the busy season came upon them. He agreed it got out of hand. He added he would like to come up with a plan of action to figure out what needs to happen to solve the problem for his business's sake.

The Law Director responded, the Applicant indicated he neglected his own business and has created a serious problem without a good explanation of why it happened. He continued, the Applicant knew he was coming in before the PC and did not contact the Building Commissioner or City Engineer regarding the situation he created. The Applicant responded he was not aware of the magnitude of the issue. The Law Director advised the PC to deny the request for an extension. Mr. Antoskiewicz asked if the extension is denied, but the Applicant fixes all his violations, would he have to return to PC to get a re-approval. The Law Director stated he would have to start all over again. The Building Commissioner stated the similar use determination is a separate issue. The Law Director stated it can be revoked and a separate proceeding would take place for the revocation of the similar use permit. Mayor Stefanik stated the City is not a dumping ground for these types of businesses which are run by owners who do not live in our city.

Mr. Antoskiewicz asked the City Engineer what is the time frame for the Applicant to fix these issues, within reason, based on the current temperatures. The City Engineer responded with the ground being frozen the site is somewhat stabilized; the concern of runoff and silt is not a concern right now. The cut trees in the ravine are located in the high part and should not affect flooding of adjacent properties. He said at this point in time the site is not going to cause a disruption to neighboring properties or itself. He said moving forward, it is difficult to give an exact timeline since he has not been given an exact plan to remedy the issues. To restore the site back to as close as he can to existing conditions including removing fill dirt, planting of trees and removing excess materials, could be a 30 to 60 day time-frame if he is putting all his forces in there or more realistic a three month time-frame.

The Building Commissioner stated he can remove all the stacked trees not in the ravine, remove all the landscaping supplies, concrete blocks, paver stones, compost material and piles of organic matter which are being stored on the back parcel. The site will then be ready for the first opportunity to correct the site. Mr. Morel stated they have already begun removing the trees from the ravine.

Mr. Antoskiewicz asked the Law Director if the PC can consider granting a 30 or 60 day extension rather than a 180 day extension. If the Applicant starts complying and completes everything that can be done in the winter; can he then come back to request a longer extension. The Law Director responded yes, the PC has the authority to grant or deny an extension. The City Engineer stated if the PC is going to grant an extension, it should be contingent upon a site plan showing how he intends on fixing everything; it should be submitted within 15 calendar days to the Engineering Department and will need Engineering approval. Mr. Schmitzer said he would meet with the Applicant and his consultant within that 15 day time period to review a site plan with notes and plan of action of what needs to be done. It will be a modified Storm Water Pollution Prevention Plan to revitalize the site back to where it was. Mr. Castrovillari suggested that once the Applicant has met with the City Engineer, he start working on some of the items showing good faith that he is doing something. He added if that were done, he would feel better in 15 days to possibly grant an additional extension.

The Law Director recommended if the PC chooses to grant an extension, they make it for a 30 day extension which would be until March 7. The application will remain under old business. Even though he is in violation on the northern parcel for all of the violations, those are not going to be negated by any extension which would be granted; the violations will be filed and served. The extension will be limited to the southern parcel only. Mr. Schmitzer said there are also minor violations on the southern parcel. Mr. Baxendale stated the Applicant made a willful violation of what was agreed to. He feels we should be taking a stronger stance for this application. He added that he would not be opposed to denying the request for an extension and require him to come back to PC to start the process over again once good faith has been shown.

The Law Director stated if the similar use permission is revoked via a separate hearing, the Administration would have to bring that to the attention of the PC. If that were to happen, the Applicant would have no authority to operate his business on that site and the business would be subject to being closed.

A thirty day extension would allow the Applicant time to come into compliance. Thirty days from now he will appear before the PC for the application for an additional extension. The Building Commissioner recommended a 30 day extension so he can run his business and start cleaning up the site.

Moved by Mayor Stefanik, seconded by Mr. Castrovillari to **approve a 30 day extension based on the contingency that a plan be submitted to the Engineering Department for approval.** Roll call: Yeas: 3 (Mayor Stefanik, Antoskiewicz, Castrovillari) Nays: 2 (Baxendale, Fenos). **Motion carried.**

3. **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. Phase II will tie into Indian Trails Phase I. **Tabled.** 180 day extension expires 5-8-18.
4. **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 Industrial District. **Tabled.** 180 day extension expires 5-8-18.
5. **Michael Pizzuti.** Michael Pizzuti of EMC, 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.

NEW BUSINESS

1. **Gaetano and Giuseppina Campea of Campea and Sons Construction Inc.** members of G.C. Real Estate LLC are seeking site plan approval for 14910 York Road, also known as PPN:483-27-010 currently zoned as a General Industrial District.

Aldo Campea stated the neighbor's three dead trees fell and crushed their fence. The neighbors removed the downed trees. He added, when his business slowed down because of the cold, the fence was removed; they now have a block wall.

The Building Commissioner stated The Building Division sent the Applicant a violation notice on December 7, 2017 stating they were in violation of changing the site without PC approval as well as installing a new fence (masonry wall) without a permit that is not in compliance. The Applicant and his brother came in and met with the Building Commissioner regarding options available to them. They were told to either go into compliance with our zoning code or try and receive approval from PC. He also gave the Applicant copies of previous PC drawings from other applicants. He strongly recommended they provide some method of mitigating the site when they appear before the PC: what are they going to do to make the site better by correcting failures at the site in order to help plead their case as to the expansion of their storage beds. The application submitted does not have any of those features.

The City Engineer stated they look at safety items, such as with the wall is there an issue with site distance up and down the road when trucks are pulling out. Is their safe distance to properly pull out on the road, using ODOT's specifications. He said when looking at the site, there are multiple parcels. There is a main use structure on only one of the parcels. The other parcels are being used as storage and/or no use as open land. Multiple driveways exist that are being used by the business. He said the Engineering Department

recommends consolidating the parcels to make it logistically work for the business but also limit the amount of access on to York Road, one in and one out. The Applicant responded they purchased the property that way and thought he could use it that way. He asked to be grandfathered in for all the driveways. He said he has six semi-trucks going in and out of the property on a daily basis. He added in the mornings the County comes in every other day to use their fire hydrant. He said they use the entrance on the other side to get in since the business is using the drive on the front to exit in the morning. He expressed his confusion regarding the concrete wall. Mayor Stefanik stated he has been to the property in the past and spoke to the owners regarding the poor condition of the front of the building and the debris stored in front of the building. He said the City wants the property cleaned up; including the issues on the Akins Road house. We are trying to get the businesses on York Road to get into compliance.

The Law Director stated the effort on the part of the municipality is being made to improve the appearance of all the properties throughout the City, which includes the Applicant's property. During the conversations with Mr. Kulchytsky it was made clear the Applicant was advised to bring forward a site plan that showed improvements to the property. Mr. Kelly stated the front yard storage is not permitted by our ordinances. Mr. Kulchytsky clarified for Mr. Campea he is here before the PC asking for permission for an expansion of storage in the front yard. The PC has the authority to approve or deny that request. If the request is denied per our code, there is no storage and loading in the front yard. He will be required to remove it in its entirety. He added time dated aerial photographs have been taken of the property showing the front section was originally a parking space; it will need to be restored to that. He recommended to the Applicant that he consider the recommendations made by the Board. The Law Director stated the appropriate thing to be done would be to consider asking the PC to table the application for thirty days and in the interim to come back and meet with Mr. Schmitzer and Mr. Kulchytsky with an appropriate plan that demonstrates what needs to be done to improve the site.

Mr. Kulchytsky stated the wall is in front of the apron. He added there is no reason the apron can't be removed from in front of the wall. Mr. Castrovillari stated he had an issue with the appearance of the block wall. Mayor Stefanik asked the Building Commissioner if the Applicant could put a fence in front of the wall so it is unable to be seen from the road. Mr. Kulchytsky stated the City allows up to an eight foot fence in the General Industrial District. That could be an option of how to disguise the wall and the piles of stone that lay inside of it; however, it still leaves the fact that he has expanded his storage up to the property line. Mr. Antoskiewicz stated the stone wall is not appealing; it hits you in the face. The City Engineer stated the wall does not appear to be in the public right-of-way.

The Applicant questioned Leonti's site which is in a Residential District. The Building Commissioner stated Leonti's appeared before the PC and received approval for the site plan and none of the concrete walls were on the property line. They moved much of their materials away from the front yards, restored the entire front perimeter and landscaped the area. They have all their approvals in order. Mr. Campea said he is up to making the changes necessary to make it work. He asked the PC to table the application for 30 days. This would give him time to meet with the necessary Administrative people to provide a real site plan and discuss what will be done for the entire site which would include from where the wall begins to Akins Road.

Moved by Mr. Castrovillari, seconded by Ms. Fenos to **Table the application for 30 days**. Roll call: Yeas: Five (Mayor Stefanik, Antoskiewicz, Fenos, Castrovillari, Baxendale). Nays: None. **Motion carried.**

MISCELLANEOUS

The next scheduled meeting is Wednesday, March 7, 2018.

ADJOURNMENT

Moved by Ms. Fenos, seconded by Mr. Castrovillari to adjourn the February 7, 2018 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 8:07 p.m.

APPROVED: /s/ Larry Antoskiewicz
Chair

DATE APPROVED: March 7, 2018

ATTEST: /s/ Diane Veverka
Planning Commission Secretary