

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **February 6, 2019 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, Vice Chair Frank Castrovillari, Jessica Fenos, Mayor Stefanik, Gene Baxendale, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, City Engineer Mark Schmitzer, Law Director Thomas Kelly.

## **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. **PC19-05: Indian Trails Subdivision Phase 2** – Robert Nottrodt on behalf of Woodhill Properties, Inc. is seeking Final Plan approval and Preliminary Plat approval for Indian Trails Subdivision Phase II. The subdivision will consist of 13 single family residential 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 extend the two public streets Shawnee Circle and Chippewa Path from Phase I of Indian Trails subdivision.

Robert Nottrodt, Guy Cunningham Design Engineer for the project, and George Hoffman of Hoffman Metzker Surveyor were present to answer questions. Mr. Hoffman stated they have been working with the Army Corps of Engineers for several years on mitigation of the wetlands. They have since received their approval. He added they are now seeking final approval from PC.

Paul Clark, 11090 Abbey Road, expressed concerns regarding water drainage and flooding issues brought up at past meetings and their use of an easement on his property. He also expressed concerns regarding the removal of trees along the property lines. He said he has not been informed of plans for this development.

Paul Okinowski, 12400 Woodridge Drive, expressed concerns regarding the water shed coming from the north to the south. He also asked about the four homes that are planned to be built and the ten foot drop from the existing houses to his property where the terrain makes a switch. The additional four houses will clear more trees adding to the amount of water coming his way.

Margaret Dilucchio-Cramer, 11261 West 130<sup>th</sup> Street, expressed her concerns regarding flooding issues and also the temporary turnaround and if the developer would be responsible for any damage or debris left from construction.

Jay Rayl, 12325 Mohican Way, stated he lives in Phase I. He said the area is still a swamp land with a river running across the back edge of his property. He asked how the improvements from Phase II will affect the current water issues.

Rob Piskur, 12535 Mohican Way, expressed concerns regarding the sitting water on his property and asked for clarification of how water drainage will affect his property.

David Timothy, 11137 West 130<sup>th</sup> Street, spoke against the housing development which would destroy the wildlife in his backyard. He said the current water issues create a lot of standing water and the presence of mosquitos.

Dustin Derbin, 12455 Mohican Way, stated a HOA meeting was to be planned to let the neighbors be aware of what is planned; this was not done. He also expressed his concern regarding water issues and wildlife.

Debbie Grimm, 12520 Woodridge Drive, expressed her anger regarding the ponding of water in her back yard and how it has created a hardship for her family. She said she was told it must be filled in because it is considered a hazard. She does not feel she should have to pay thousands of dollars to have this low area filled in with dirt.

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

2. **PC19-06: Quarry Park Subdivision** – Greg Zillich on behalf of Zillich Interiors, Arthur Thompson, George and Pamela Glus, David and Patricia Hajnosz and Mark and Teri DeCress is seeking Sketch Plan approval for Quarry Park Subdivision. The proposed subdivision will consist of 20 single family residential lots located off State Road on PPN: 488-09-002, 488-09-003, 488-09-012 and 488-09-044 in a R1-A Zoning District.

Greg Zillich was present to answer any questions.

Richard Balata, 11694 State Road, expressed concerns regarding the outdated storm sewer on the street and will it be cleaned of obstructions. A portion of it has been fixed but another area also needs to be repaired. He also asked if the sanitary sewers will be upgraded.

Corinne Freeland-Steele, 11633 State Road, expressed concerns regarding the capped gas/oil well on the property, increased traffic, and the flooding and standing water in her back yard created by runoff. She also was concerned about the legality of people trespassing onto her property and requested a six foot fence be put up near her property. She also asked if the homes will have basements.

Jeff Piorkowski, 11706 State Road, expressed concerns regarding water drainage from State Road which goes through their property. He said the storm sewer is running at capacity. Other concerns include property values, traffic, the quarry which exists and questioned if variances are required.

Ryan Thozeski, 11310 Villa Grande, expressed concerns regarding sewers and asked if they would be upgraded to allow for more waste for 20 more homes. If this can't be done without variances, then it should not be allowed. He was under the impression the property behind him was protected wetlands with a lot of wildlife. He also questioned our laws regarding hunting.

Lynn Sperber, 5520 Creekrun Drive, said drainage dumps into her back yard and creates a pond one foot deep.

Dennis Massimiami, 12038 State Road, expressed concerns of water issues in his back yard which keep getting worse because the creek dead ends into his back yard.

Donald Kleppel, 4574 Poplar Lane, said there is a six foot difference from State Road to his property; he has a river going through his property; it is completely underwater. Will the runoff from the detention ponds dump into the wetlands; will it go onto his property.

Doug Codispoti, 4820 Lisa Lane, said he has spent thousands of dollars putting French drains in; will the retentions prevent the water from moving south. He asked if the street will meet requirements for the length of roadway to allow for emergency vehicles without having a secondary exit onto Wallings Road. He said if they are not standard size homes they will devalue their property. He said State Road needs to be dropped multiple feet to allow for the proper fluent movement of the storm water; if that isn't done we should not add more homes until we address the infrastructure. He also asked if the land will be stripped of all trees or can he strategically leave the large trees retaining the beauty.

Jim Hanoran, 11575 State Road, said he is next to a dry water retention basin. It occasionally fills to the brim and exits towards the back. He has lost 40 large trees that were over 100 years old.

Paul Marnecheck, Ward 4 City Councilman, said he would like to hear more of how both the storm and sanitary will be dealt with.

**Moved** by Ms. Fenos seconded by Mr. Baxendale 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 Mr. Baxendale, seconded by Mayor Stefanik to **adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried**. The Public Hearing adjourned at 7:47 p.m.

#### **REGULAR MEETING**

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **February 6, 2019 in regular session**. The meeting was called to order at 7:47 p.m. by Chair Larry Antoskiewicz.

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

#### **APPROVAL OF MINUTES:**

Moved and seconded to approve the minutes of January 3, 2019. Motion carried.

#### **OLD BUSINESS**

1. **PC18-09: The Swim of Things**. Anna Paliwoda on behalf of The Swim of Things is seeking preliminary site plan approval for proposed parking lot enlargement and addition of a second egress drive located at 14386 Ridge Road, PPN: 487-02-023 in a General Business District. Tabled on 11-8-18. A 180 day extension expires 5-7-19.
2. **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 7-3-19. Tabled.

3. **PC19-02:** Chris Bailey of **Bailey Development** is seeking Sketch Plan Approval for a minor subdivision consisting of (4) four single family lots with a private drive on an 8 acre parcel of property. The proposed minor subdivision will be located on PPN: 486-17-013 off Watercrest Drive in a Rural Residential Zoning District. Tabled on 1-3-19.

## NEW BUSINESS

1. **PC19-05: Indian Trails Subdivision Phase 2** – Robert Nottrodt on behalf of Woodhill Properties, Inc. is seeking Final Plan approval and Preliminary Plat approval for Indian Trails Subdivision Phase II. The subdivision will consist of 13 single family residential 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 extend the two public streets, Shawnee Circle and Chippewa Path, from Phase I of Indian Trails subdivision.

George Hoffman of Hoffman Metzker responded to Mr. Clark's question. Mr. Hoffman stated Mr. Clark's property is on Abbey Road. His lot was a part of land which went back to Shawnee Trail and was split some years ago, referred to as the Humphrey split. In order to get a storm sewer out to Abbey Road, a 20 foot storm sewer easement and a 20 foot temporary work easement was granted for Phase II development. Mr. Hoffman said there is an existing pond on the property which will be removed and a retention basin will be installed. Mr. Clark's land has a significant grade and it should drain to Abbey Road without an issue. Currently there may be some leakage out of the pond that may at times keep the northerly side of his lot damp. If the detention basin fills up due to a 100 year storm, it has an overflow that is directed to take it out to Abbey Road. He provided a copy of the Humphrey lot split to the City on behalf of Mr. Clark.

Mr. Hoffman said he went out to the site within a day or two after the last meeting to walk the site. He provided a report of his findings to the Engineering Department's office.

Mayor Stefanik asked per contingencies from the last PC, if the HOA meetings have taken place and if the catch basins which are way above grade in the back yards of 12538 and 12535 Mahican Way on the far west side of the development have been lowered. Mr. Nottrodt responded the meetings have not yet taken place and they have only cleaned the detention ponds up front.

Mr. Hoffman responded to the resident's concern living at 12400 Woodridge touches the corner of the subdivision. He said the water on the subdivision will be contained in a swale which runs parallel with Woodridge and comes back to the retention basin. They are unable to change anything on 11261 West 130<sup>th</sup>; this is private property. He added to protect her property from a contractor going beyond the work limits and onto her property, he will physically stake along the outside of her property; a high barrier fence will be installed prior to construction along her property so the contractors have a physical high barrier they can see.

Mr. Hoffman stated subplot 28, 12325 Mahican Way has an existing wetland with an existing stream which was part of Phase I; it was left there because it is wetlands.

The City Engineer stated with any subdivision there are always drainage concerns. In the past, concerns were brought up by residents on Wood Oval and Woodridge Drive of the water coming right at their properties. The plans show they are controlling water flow on what land they have ownership of for Phase II. They are managing that water to go into swale systems which will go into the controlled pond stormwater basin which is by Mr. Clark's property. The easement for the sewer to exit from the pond that will drain Phase II is in the property storm sewer easement which was recorded on the property in 2007. Mr. Schmitzer said the recorded easement documents were emailed to Mr. Clark. Mr. Schmitzer explained Mr. Clark's property was owned prior to Mr. Clark by the Developer Mr. Nottrodt. The easements which were recorded when under the ownership of Mr. Nottrodt were then transferred over to the next property owner. The easements were created prior to Phase II knowing that Phase II was coming in, knowing he had to put a sewer in and knowing he was going to eventually sell off that land.

Mr. Schmitzer stated the biggest concern on Woodridge was the water going through a tiny swale and not being contained. The improvement plans indicate along the southeastern corner of Phase II a two and one-half to three foot mound on the Indian Trails Phase II side, along the southern border of the development and also the eastern border which hits the houses on the west side of Wood Oval. A swale will take the water easterly and northerly toward the stormwater pond. The water is being contained on the land that they own and controlled in a stormwater management facility. The Mayor asked who would be held accountable for the swale and mound. After further discussion, Mr. Schmitzer stated because they are on common property in an easement, the HOA will be responsible for maintaining the mounds and swale.

Mr. Schmitzer stated all the utilities will connect back into Phase I. We currently have an unvalidated permit from the Army Corps of Engineers. A 75 foot buffer around the wetlands is required. The PC may if they choose approve to allow a slight variance on sublots 35 and 36 to go down to a 50 foot buffer; this would allow more room in the backyards in order for more room rather than just coming off the backyard deck into a wetland.

Mr. Schmitzer stated the Engineering Department is satisfied with the status of the plans. He expressed his concern regarding some items in Phase I that have not been addressed by the Applicant. He added that if the PC moves forward with an approval he would like the approval to be contingent on the items brought forth by the residents and any concerns of the City Engineering Department to be addressed at the time of development of Phase II but prior to the dedication of Phase II and to the Engineering Department's satisfaction. The catch basins at the cul-de-sac by 12535 and 12578 are sitting approximately 12-18 inches above ground and not accepting water; they need to be lowered or a window put into it. The swale in the backyard of 12578 is not working; everything is shedding west off the property. It should be contained and going into the catch basins. Since they are all in easements they should be able to be adjusted and checked. As the applicant mentioned, there are some areas of land that zig-zag away from the development. They are controlling water on their property as the code states.

Mr. Schmitzer responded to the question regarding the turnaround. He stated it is a temporary turnaround. Because the street is stubbed for possible future expansion, a temporary turnaround has been planned. It is a less intrusive way to do a temporary turnaround. It is a concrete apron at the end which is designed for the purposes of garbage trucks, emergency vehicles and snow plows. Mr. Hoffman agreed the turnaround will be the same specs as the street, seven inches. Mr. Schmitzer added if the City so chooses, the

turnaround could be treated as an easement; the maintenance responsibility will be by the HOA. Mr. Hoffman said he expected construction to begin sometime in March.

Mr. Hoffman responded to the question regarding the line of trees. He said within the 20 foot permanent easement where the sewer is going to go, the trees will need to come down in order to install the sewer; grass will be planted. The 20 foot temporary easement is just for moving the equipment around to install the pipe. They will try to eliminate as few trees as possible in that area. Mr. Nottrodt agreed to plant some additional trees. A couple of the sections of fencing will need to be taken down and will be restored.

Mr. Kelly spoke regarding the easement on Mr. Clark's property. He reiterated once the easements are recorded and part of the County Recorder's Office the new owner is charged with the knowledge of the existence of the recorded easement whether he knew about them or not. Mr. Kelly suggested Mr. Clark look at the title search he would have received when he purchased the property. If it does not show the easement he may want to follow-up with the title company. He added that having the recorded easement, the previous owner has retained certain rights to the property, the right of entry and the right to tear up that land. The private deal made to buy the land is between the two parties; it does not have anything to do with the City. Mr. Kelly said tonight's meeting minutes will be available after they are approved at the March 6<sup>th</sup> PC meeting.

Mayor Stefanik asked if Mr. Nottrodt has been collecting money from the residents. Mr. Nottrodt responded yes the Accounting firm is handling the account. He said after these homes are complete, he will turn the HOA over to the residents. The Mayor stated the City wants to be involved in the meeting and be sure the residents know what is to be expected of them in the future. Everything will need to be brought up to code prior the turnover to the HOA. He also highly suggested Mr. Nottrodt have a meeting with the Phase I residents before construction so everyone is on the same page. Mr. Nottrodt agreed to send a mailing out to all the Phase I residents to inform them of the HOA meeting which he scheduled for Monday, March 4<sup>th</sup> at City Hall. Mayor Stefanik added this is a public meeting and the residents on Woodridge and West 130<sup>th</sup> are welcomed to attend.

The City Engineer stated he was not involved in the improvements of Indian Trails Phase I; he was not the City's Engineer at the time. He cannot state whether or not items were installed correctly. We have much more control over the situation now because of the required detailed as-built of the storm sewers by a licensed surveyor. The Developer is also required to re-contour based on the as-built condition the storm water facilities, the basins, and rerun the model back through their software to make sure the conditions in the ground works. Mr. Schmitzer said he will visit those areas of concern in Phase I to make sure they are addressed to his satisfaction and the residents' satisfaction to make sure water is draining. Bond money will be held until the City is satisfied. He stated the few improvements to Phase I along with the development of Phase II will help a lot of the situations that the adjoining residents are seeking.

Ms. Fenos expressed her concern of the items from Phase I that were disregarded by the Developer and not handled after the last meeting. She questioned whether we should allow Phase II to move forward before these items are completed. Mr. Nottrodt responded they had an issue fixing the catch basins because of the need to get the machinery back toward the back of Phase I because of the trees. Mr. Baxendale added he sees it as unresponsiveness of the Developer. He asked that the Developer be required to lower the basins prior to a specified date. Mr. Kelly asked the Applicant for a time commitment whereby they commit to have the catch basins reduced to where they are required to be.

The trees need to be removed by March 31<sup>st</sup> because of the Indiana bats. The City Engineer clarified we are talking the two houses on the cul-de-sac of Mahican Way on the very west end; he said there are no trees in that area. You can drive a piece of equipment right from the street to the catch basins. **Mr. Nottrodt confirmed the understanding by May 15<sup>th</sup> the catch basins on the far western end of the development and the swale that runs to those catch basins will be in proper order.**

Ryan Thozeski, 11310 Villa Grande, asked why does Phase II need to be approved to get to Phase I to fix the basin. The Mayor stated that is not the case.

The City Engineer responded to Mr. Okinowski's question regarding the ten foot drop and the need to slow the water coming towards his property from the south side of the two or four last houses. He stated a swale will be installed between the property line and the end of the pavement. The swale will allow the water from the sides of the house to continue east. The snow melt will go into that swale system and drain to the pond. The swales will not be pronounced or robust because it is the beginning of the stormwater run. The pavement will stop a few feet short so the proposed swales to the storm system will be along the sides of those properties.

Mr. Antoskiewicz asked if the PC has any questions regarding allowing a 50 foot buffer at the largest point. The other areas would be back to 75 feet. The Mayor felt it would be beneficial for the two lots to have more backyard. The City Engineer stated we are talking about a 125 feet long by 25 feet wide of a buffer. We have worked with other developers and Soil and Water to have enhanced plantings in that area. He said he proposes it be allowed. Mr. Nottrodt agreed to have the enhanced plantings in place prior to the sale of the lot so the plantings are growing.

**Moved** by Mayor Stefanik, seconded by Mr. Castrovillari **to approve the application of Woodhill Properties for final plan approval and preliminary plat approval subject to all of the conditions and commitments made on the record this evening.** Roll call: Yeas: Four: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari). Nays: One: Fenos. **Motion carried.**

2. **PC19-06: Quarry Park Subdivision** – Greg Zillich on behalf of Zillich Interiors, Arthur Thompson, George and Pamela Glus, David and Patricia Hajnosz and Mark and Teri DeCress is seeking Sketch Plan approval for Quarry Park Subdivision. The proposed subdivision will consist of 20 single family residential lots located off State Road on PPN: 488-09-002, 488-09-003, 488-09-012 and 488-09-044 in a R1-A Zoning District.

The Building Commissioner stated he has met with the applicant and reviewed the proposed project. The site as it is laid out does comply with Chapter 1270.33 which allows for smaller size lots on a cul-de-sac. The only area that is slightly out of compliance is the front buffer to State Road which can be handled with heavier landscaping.

The City Engineer stated this is a sketch plan. At this plan level, we do not require the level of detail that we require at the next step which is the preliminary plan. He asked the applicant how he plans on handling sanitary sewers for the development. Mr. Zillich responded he plans on connecting to the sanitary sewer on State Route 94. The City Engineer stated they will need to get capacity data. He felt upsizing the pipe will not be necessary. Mr. Zillich said he would be willing to look into making an improvement, if needed, along the State Route corridor for the sanitary sewer system.

We believe the whole corridor between Lisa Lane, the YMCA and Villa Grande is a category 3 wetland. The Developer will need to go through with an environmental scientist to get a wetland study done and determine where the limits are. If they need to fill in any wetlands, they will need to go through the Army Corps of Engineers and EPA process and follow our standards in Chapter 1270 for Wetland and Riparian Setbacks. Stormwater management basins are an allowable use within those setbacks. The property has a ridge which shows drainage partially to State Road as well as partially back to the wet area. Mr. Schmitzer asked Mr. Zillich if the development will handle water runoff on site and if they will channel water to controlled points easterly to the basins and then releasing the basins to the wetlands. Mr. Zillich responded that is correct. Mr. Schmitzer asked Mr. Zillich if there are issues with the storm system along the frontage of the development property with blockages, etc., will they make any corrections to those to make sure it is flowing. Mr. Zillich responded yes. Mr. Schmitzer stated the streets meet all our standards without the need for a variance. The width of the street has been designed to meet the standards for our public street: 25 ft. measured back to back at curb and 90 ft. cul-de-sacs. The cul-de-sac length does not require a variance; it is less than 600 ft. in length.

The City Engineer stated a traffic study will be done to see if there is a warrant for any additional lanes in front of the development. Mr. Zillich stated the soil conditions do not warrant basements; they are designed for slabs. No response was made regarding the resident requesting a fence along her property line.

For the benefit of those in the audience, the Law Director provided an overview of the process for a development and the multiple steps required. He explained this is the first step. As we go forward, should the PC find the applicant has met the requirements for sketch plan approval, all of the following plan requirements get increasing more rigorous. He reminded the audience this is not an indication that the City is giving some kind of blanket approval for this development. If the developer meets the statutory and ordinance requirements as he goes along, then it will happen. The residents will be notified when the applicant wishes to come back before the PC for preliminary site plan approval.

The Mayor responded to several miscellaneous questions. He said these are not cracker jack houses. These houses are in huge demand. He stated the development will not add any water to the creek; it may lessen the water. He asked Richard Balata to give him the address of the other storm sewer blockage. The City Engineer stated the oil and gas well has been capped and decommissioned by ODNr; according to the State it can be built on once it is capped. He said a geo technical report will be required on the quarry conditions on how high the ground water is; based on that certain design parameters may be required.

The Building Commissioner stated the square footages of these houses need to comply with our standards of the city; they will match any other residents in the city's square footage. He asked Mr. Zillich to explore connectivity with sidewalks along State Road to the north and south all the way up to and including the YMCA and down to Lisa Lane. He also asked that the development have a number of unique styles of houses. Mr. Zillich responded he is looking at possibly four or five models. He responded to Mr. Kulchitsky's question that yes they would have adequate variety; it would not be monotonous.

**Moved** by Mayor Stefanik, seconded by Mr. Castrovillari **to approve sketch plan approval for Quarry Park Subdivision.** Roll call: Yeas: Five: (Mayor Stefanik, Baxendale, Antoskiewicz, Castrovillari, Fenos). Nays: None. **Motion carried.**



**MISCELLANEOUS**

The next scheduled meeting is Wednesday, March 6, 2019.

Residents gathered after the meeting to speak to Administration regarding individual concerns.

**ADJOURNMENT**

Moved by Mayor Stefanik, seconded by Mr. Baxendale to adjourn the February 6, 2019 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:10 p.m.

APPROVED: /s/ Larry Antoskiewicz  
Chair

DATE APPROVED: March 6, 2019

ATTEST: /s/ Diane Veverka  
Planning Commission Secretary