

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **October 7, 2020 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Frank Castrovillari and opened with the Pledge of Allegiance.

**PRESENT:** Planning Commission: Chair Frank Castrovillari, Vice Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Holly Michalke, PC Secretary Diane Veverka. Administration: Law Director Thomas Kelly, City Engineer Mark Schmitzer, Building Commissioner Dan Kulchytsky.

## **REGULAR MEETING:**

APPROVAL OF MINUTES: Moved and seconded to excuse Holly Michalke from voting on the September 2, 2020 meeting minutes. Motion carried.

Moved and seconded to approve the minutes of August 5, 2020. Motion carried.

Moved and seconded to approve the minutes of September 2, 2020. Motion carried.

## **PUBLIC HEARING / OPEN MEETING**

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

- a) **PC20-24: Pierre Zanin** is seeking site plan approval for proposed warehouse facility located at 13688 York Road also known as PPN: 483-15-024 in General Industrial (GI) District zoning. The building will be the final installment of York Road Commercial Park.

Claudio Zanin and Scott Bickley spoke on behalf of the applicant. Mr. Zanin stated they are seeking preliminary plan approval for a proposed office/warehouse facility which will be the final installment of the buildings on the York Road Commercial Park parcel.

The Building Commissioner stated they have no comments related to this project at this time.

The City Engineer stated the applicant was given the Engineering Department report with comments. He said the City needs more information on a couple items. He said as the land has been developed over the last couple phases, stormwater management has been put in. The Engineering Department needs verification that the last building will be accounted for within that stormwater management basin which is located on the property. Part of it was covered over with an approved parking deck. He said it appears to have a CEI tower on the property; we need that verified. He is unsure if the easement was fully depicted on the drawing. We will want to make sure CEI grants approval of any improvements within their easement area which is located on the south portion of the parcel. He asked the applicant if the remainder of the property still stores miscellaneous vehicles at the very west end. Mr. Zanin stated when they are done with this building their intent is to remove a lot of those vehicles if there is enough room left. The City Engineer stated he recommends preliminary approval for the proposed building.

No one in the audience requested to speak.

Motion and seconded to move this item to the Regular Order of Business. Motion carried.

**REGULAR ORDER OF BUSINESS**

- a) **PC20-24: Pierre Zanin** is seeking site plan approval for proposed warehouse facility located at 13688 York Road also known as PPN: 483-15-024 in General Industrial (GI) District zoning. The building will be the final installment of York Road Commercial Park.

Ms. Michalke asked for clarification of the location of the building. Mr. Zanin stated the grassy area which is located before the third building is going to remain and be left there for green space which also will be access to the retention basin. The City Engineer stated the easement at the very west end of the third building goes to the stormwater management facility which is on the south end. He said west of that area will be a mirror building of the last building.

Mr. Baxendale stated he had looked on google maps at the aerial photography of the site. He said it looks as if the retention pond is overgrown. The City Engineer stated it does appear that it has been overgrown. He said as a condition of the approval we will want to make sure that is brought up to standards for the City and Cuyahoga Soil and Water Conservation District. Mr. Zanin responded he believes that is an old picture. He said they excavated it and it was cleaned a month ago. The City Engineer stated it looks like the aerial picture may have been taken last fall.

Mr. Marnecheck asked what type of warehouse is being proposed. Mr. Zanin responded it is designed to be an office/warehouse; the building is going to be about 7,000 plus square feet. He said he has spoken to some interested tenants who also may be looking at upgrading the building.

The Building Commissioner reminded the applicant that within the City of North Royalton they will need to ultimately prescribe a primary use to that facility; items such as storage and warehousing are a secondary use. A business has to be present in order to have storage as an accessory use. Mr. Zanin stated he is aware of that; it has been designed as an office/warehouse.

Mr. Marnecheck asked what their timetable is. Mr. Zanin stated they are trying to do some work before the weather breaks. They are hoping by next spring.

Mr. Castrovillari said he understands the proposed building is a warehouse and tucked in the back, but he feels the front entrance disappears. He would like to see a small canopy on the front entrance just to give the entrance more presence. Mr. Zanin responded he agreed with that comment.

Mr. Zanin asked for clarification as to whether they need to come back for final approval before they can start any work. The City Engineer stated they cannot issue permits until PC gives final site plan approval. He added they can submit plans and we can start reviewing those submitted plans.

**Moved** by Mr. Marnecheck, seconded by Mr. Baxendale **to approve the preliminary site plan approval for office/warehouse facility with contingency of the addition of a canopy over front entrance.** Roll call: Yeas: Five (Marnecheck, Baxendale, Michalke, Mayor Antoskiewicz, Castrovillari). Nays: None. **Motion carried.**

**Call to order the PUBLIC HEARING portion of the meeting**

- b) **PC20-25: Medlock Recovery Services LLC** on behalf of property owner Giuseppe Di Liberto is seeking similar use determination in order to operate an automobile repossession company at 9552 York Alpha Drive also known as PPN: 483-14-016 in General Industrial (GI) District zoning.

Tony Medlock stated he would like to get a permit to run a repossession company at the 9552 York Alpha Drive address. He said he has been there for 12 years but did not have the proper permit for his business.

The Building Commissioner stated the applicant is seeking a similar use determination. If a use is not located clearing in the zoning code, they appear before the PC, describe their function, their use and hours of operation and any details that are pertinent to the project. The PC has broad discretion to place any kind of stipulations that they see fit and are reasonable for the applicant's use of the property should they choose to approve it. The PC has previously seen a separate recovery company here before the PC; a number of stipulations were placed on them. The Building Department has been in contact with the applicant and there staff a number of times. The site is somewhat in disarray and there are occasionally issues with the loading and unloading of vehicles outside on the right-of-way. The Building Division has a number of stipulations that they would like to see placed upon the property should the PC find them appropriate and the applicant's presentation to be acceptable to be in the General Industrial District.

1. All of the repossessed vehicles ever on the property be located behind the building.
2. The number of repossessed vehicles that they are requesting is 40. However he recommends a lower number until they clean up their site, organize it, stripe it and have it in some level of cleanliness prior to issuing the whole 40. That can be handled through the Building Division directly.
3. No unloading of any vehicles occurs in front of the rear of the building. All unloading of the vehicles shall occur in the back of the parcel. Not in the public right-of-way, not in front of the building and not along the side of the building.
4. They have enough space for 40 vehicles in recovery, 10 employees, 1 visitor and 1 handicap which is sufficient. He said at this time he recommends they limit their recovered vehicles to around 20 or 30 until they clean up the site.
5. He urged the Board to consider requesting they fence the property in order to prevent the creep into other people's properties with their vehicles.

The Chair opened the floor for comments.

Dennis Hiller spoke in favor of the applicant's request. He said he runs his sweeping company out of the building located at 9560 York Alpha. He said the applicant presents no issues to them whatsoever; he said he is a good tenant. They have people come in at different times and leave which is a nice security for the property.

The Secretary read into record an affidavit from Vince Salerno of Interior Finishes, 9591 York Alpha Drive. He said he has not had much contact with the owner except an occasional "hello". He has had no visual issues or apparent irregularities.

Motion and seconded to move this item to the Regular Order of Business. Motion carried.

**REGULAR ORDER OF BUSINESS**

- b) **PC20-25: Medlock Recovery Services LLC** on behalf of property owner Giuseppe Di Liberto is seeking similar use determination in order to operate an automobile repossession company at 9552 York Alpha Drive also known as PPN: 483-14-016 in General Industrial (GI) District zoning.

Mayor Antoskiewicz said the Building Commissioner has requested a lot of the stipulations be placed on the approval. He asked the applicant if he agrees to the stipulations. Mr. Medlock stated he should be able to take care of what he is asking. He said currently the backyard is fenced in. There is a bullpen back there for 15 cars and then he has inside for 10 cars already on the property. He had installed a gate and cameras. He said he has never had any problems, no theft and no vandalism since he has been there.

The Building Commissioner stated when he was out at the site he did not see any clear delineation of fencing. If there was fencing it may have been in disrepair. He asked the applicant if possibly he missed it. The applicant stated the gate and fencing is not in disrepair; it is to the left of the building right behind it. He said there are two businesses on the property and the other business has to gain access to his rear building and his trucks also. The Building Commissioner stated he can take the fencing issue off-line and get clarification. He recommended the applicant come back before the PC at a later time. He said he is more concerned with the side property fencing.

The Chair asked for clarification from the applicant. He said he has operated for 12 years and is just now coming before the PC for approval. The Building Commissioner stated this is more of a house keeping item. We try to get tenants in line with our ordinances who do not fit into the current code and are unable to produce a zoning certificate or occupancy permit.

Mr. Baxendale asked what hours repossessed cars are dropped off. Mr. Medlock stated repossessed vehicles can be dropped off 24/7 and they are then put in the lot. The office hours are 8:00 – 5:00 Monday through Friday. They get transported throughout the week. He said they are closed on the weekends. The recovery guys pick up the cars, they process the paperwork and clear out the cars and deliver them to local auctions. They also have transport companies pick up the cars; depending on the client. They can pick up cars Monday through Friday between 10:00 and 3:00.

The Building Commissioner stated the Industrial District has some operations that are 24 hours a day so there is commonly traffic on those streets at various times. They would not be bothering anybody if vehicles were being dropped off late into the night.

Mr. Baxendale asked if the conditions are in line with the other auto repossession firm that we addressed previously. The Building Commissioner stated they are very similar to the requirements set forth for the other business.

Mr. Marnecheck asked if the cars are driven into the yard or on the back of a tow truck. Mr. Medlock responded the vehicles are towed in.

The Chair asked the applicant if he would be willing to come back next month once he and the Building Commissioner have met regarding some of the outstanding issues on the property. Mr. Medlock stated that would be fine. He would be able to continue operation of the business until that time.

**Moved** by Mr. Baxendale, seconded by Mayor Antoskiewicz **to table the application until next month's PC meeting. Motion to table carried.**

**Call to order the PUBLIC HEARING portion of the meeting**

- c) **PC20-26:** TDA (ThenDesign Architecture) on behalf of **North Royalton City Schools** wishes to amend their approved plan to install approximately 2,450 lineal feet (0.46 miles) of gravity flow mainline sanitary sewer within the public right-of-way. The amendment will eliminate 22 public laterals. The project will start at the location of the new elementary school site located at 16400 State Road also known as PPN: 487-18-041 and extend south to Edgerton Road then extend east along Edgerton Road to the intersection with Waterbridge Drive. The project ends near Waterbridge Drive where the new sanitary sewer will be connected to an existing sanitary sewer manhole.

Greg Gurka, Superintendent, spoke on behalf of North Royalton City Schools. He stated when they appeared before PC in December of 2019 it was to receive approval of the sewer line project and road widening project for the new elementary school. As they were working through the design and the development of that plan and in an effort to be good neighbors they as a school district agreed to install lateral connections to the properties along the way as the main line was being installed. PC approved their plan with that in place. Subsequent legal analysis advised them that the installation of the lateral connections is not what the bond issue dollars should be used for and advised them to return to the PC and ask for a revision to their current design. That is why they are here this evening. Mr. Gurka stated it is their understanding that the City of North Royalton also has a legal opinion that differs from theirs. Therefore in an effort to move forward they are simply asking the PC to either grant relief on installing the laterals or to make a determination as to whether the School District is compelled to provide the lateral connections as part of the North Royalton Elementary School project.

The City Engineer stated the plans presented to the PC as a mainline sanitary sewer that they needed for the development of their school and along that route they would be installing the lateral connections for the residential properties that were adjacent to it. There would be no cost to the residence of the City of North Royalton. The only cost would be the connection once the sewer became active; it would be the responsibility of the homeowner to tie in to that sewer from their house to that cleanout in the public right-of-way. He said according to North Royalton Codified Ordinance Chapter 1042 (Construction Specification for Sanitary and Storm Sewers) "All new sanitary sewers and connections to the treatment works shall be designed and constructed in accordance with the latest provisions of the Water Pollution Control Federal Practice No. 9, Design and Construction of Sanitary and Storm Sewers and or the Recommended Standards for Sewage Works, latest edition, as prepared by the Great Lakes – Upper Mississippi River Board of State Sanitary Engineers (known as the Ten States Standards) and as modified herein below. All designs shall be approved by the City Engineer and reviewed by the Superintendent prior to construction."

He said the reason he wanted to state it was because the standard that we applied of having lateral connections installed is the same standard that we apply to ourselves as the City of North Royalton or any other developer that comes into this City, in that when a sewer is built it is built complete with all the impertinences including the lateral connections.

The Law Director stated there have been multiple meetings that the Administration has had with Mr. Gurka and his staff discussing these very issues. As is commonly understood,

when you have lawyers on two different sides you can on occasion come to an impasse. That is where we find ourselves. This Administration as well as the prior Administration loves the North Royalton Board of Education and our school system. In the past the City has done everything they possibly can do to accommodate whatever the School system needs. In this instance, the City is compelled to hold their ground on this position and the reason has to do with the reading of the law. The City's bond Council and their bond Council reads the bond language in two different ways. The bond Council representing the Board of Education reads the language strictly and narrowly. The City's bond Council who also happens to be a member on the Wadsworth Board of Education reads it more broadly. The City has an opinion from her that reads the connectors that were subject of the December approval are altogether appropriately incorporated into the sewer project and that the language in the bond that was passed is broad enough to support the proposition that they be included in the project and paid for with the bond funds. The City Engineer added the City has tried very diligently to find a way that they could find some common ground and come to an agreement. We have not been able to do that. We each are bound by our bond Council's opinion. The City does not do this likely or with any joy but we feel compelled to ask the Commission to hold the School System to its prior commitment and to afford the project essentially the same treatment that would be given were this either a developer or the City itself in installing that sewer line. It is the view of the Law Department and the Administration that the application ought be denied.

Ben Pierce, 11678 State Road, spoke against the approval of the amended application.

Mike Wos, Ward 6 Councilman, asked the Pc to hold the schools accountable to their original commitment.

Bill Mastronicolas, 3680 Edgerton Road, asked for clarification of the cost and fees for the installation. What amount are the residents responsible for?

Carmin Pavia, PPN: 487-22-002 State Road, said he owns the lot next to the vacant lot next to the school. He asked what is cost to the land owner to connect.

Motion and seconded to move this item to the Regular Order of Business. Motion carried.

## REGULAR ORDER OF BUSINESS

- c) **PC20-26:** TDA (ThenDesign Architecture) on behalf of **North Royalton City Schools** wishes to amend their approved plan to install approximately 2,450 lineal feet (0.46 miles) of gravity flow mainline sanitary sewer within the public right-of-way. The amendment will eliminate 22 public laterals. The project will start at the location of the new elementary school site located at 16400 State Road also known as PPN: 487-18-041 and extend south to Edgerton Road then extend east along Edgerton Road to the intersection with Waterbridge Drive. The project ends near Waterbridge Drive where the new sanitary sewer will be connected to an existing sanitary sewer manhole.

The City Engineer stated the improvement project that was approved by PC would be the installation of the mainline sanitary sewer all the way down to the Pinestream subdivision at Waterbridge Drive upgrades to the existing pump station as well as installation of the lateral connection which includes the Y connection which comes off the main and the lateral which goes to either the east or west side of State or the north side of Edgerton and a riser, which is a tee riser in the public right-of-way which is a 60 ft. right-of-way, so it would be 30 feet off the center line of the road. The gravity flow from your home to that connection will be at a

depth of anywhere between 8 to 10 feet. The cost for all that would be nothing to the residents. The only time the City can do the cost to a resident is if there is an assessment project; City Council would have to pass a resolution to have an assessment project. We are not going to do that because we have a commitment from the schools that they are going to build that sanitary with a lateral connection at no cost to the residents. Once the sewer line becomes active, the residents will be given notices from the Board of Health that the sewer is available and explain the timeframe to connect. The resident would have to work with a contractor to abandon their septic system, make connection from the home to the sewer at the right-of-way and be done.

Mr. Mastronicolas asked if the pump station can handle the extra load. The City Engineer responded the pump station is the City of North Royalton pump station. It handles flow from the Pinehill Subdivision which is down by Cady Road and all of Pinestream. Yes, it has also been designed to handle through upgrades by the school at the pump station with additional pumping to handle the flow for that future flow. The pump station is getting new pumps and new materials. The force main has already been designed to handle additional buildout so the force main can handle the additional flow as well.

The Law Director stated if PC denies the schools application to amend, the requirement then would be that they put in the Y connections and the risers to existing homes only. Any undeveloped property or any properties that has yet to be subdivided isn't going to get the Y's and risers.

Dave Peth, 16641 State Road, spoke on the concern of the houses on the east side of the road where the sanitary sewers discharge to the rear of the house. He asked how they are going to make a tie in. The City Engineer stated there are a couple options which include running the pipe around from the back of the house to the front of the house or have plumbing be done in the basement area to go out the front foundation wall. He said all the residents should have received a letter from the City regarding calling the consulting office of Thorson Baker which will have a Design Engineer and a surveyor come out to the properties to get a measurement from the top of foundation down to the bottom of the basement. He also asked the residents if they have not yet called Thorson Baker, to please do so. You can also call the Engineering Department so we can get some information regarding the design of your property.

Greg Gurka stated he appreciates everyone who spoke. He said they are definitely trying to be good neighbors; they are not trying to go back on anything that was promised. When it was designed they gave their word to say that they would do that. Unfortunately legal opinions are now entered into it from each side. Mr. Gurka said the reason we are here today is for PC to solve the two legal opinions so the School System can move forward.

Mr. Baxendale stated under different circumstances, such as this occurring at the beginning of the process, he said he would be a lot more amenable to it. But a commitment was made. He finds it very difficult to go back at this point in time. Mayor Antoskiewicz stated the Law Director put it in perspective and he agrees with his perspective. Mr. Castrovillari said it comes down to are we asking the school to do anything more than anyone else in the City. He added being involved with some of the developments around here, the answer is no. The City is asking the same of the School System as we would request of other business.

**Moved** by Mr. Baxendale, seconded by Mayor Antoskiewicz **to approve the amended site plan which would eliminate 22 public laterals.** Roll call: Yeas: None. Nays: Five (Baxendale, Marnecheck, Michalke, Mayor Antoskiewicz, Castrovillari). **Motion denied.**

**Call to order the PUBLIC HEARING portion of the meeting**

- d) **PC20-27: 10583/10655 Royalton Rd. LLC** with its principal place of business located at 10499 Royalton Road is seeking approval for a lot consolidation of PPN: 483-23-011 and PPN: 482-22-009 on Royalton Road in General Industrial (GI) District zoning.

Adam Therrien spoke on behalf of 10583/10655 Royalton Rd. LLC. He said they are following up on what was asked of them by the PC to consolidate the lots when purchasing the property from the City of North Royalton.

The Engineering Department stated everything is inline and has no issues with the proposed lot consolidation. They recommend approval.

The Law Director stated the application is in keeping with the requirement of our ordinances and therefore recommend approval.

Motion and seconded to move this item to the Regular Order of Business. Motion carried.

**Call to order the REGULAR ORDER OF BUSINESS**

- d) **PC20-27: 10583/10655 Royalton Rd. LLC** with its principal place of business located at 10499 Royalton Road is seeking approval for a lot consolidation of PPN: 483-23-011 and PPN: 482-22-009 on Royalton Road in General Industrial (GI) District zoning.

Mayor Antoskiewicz stated he is glad we are able to move forward on this. Transport Services has been a great business in the City.

Ms. Michalke stated she has spoken with Platinum Plaza; they said they have had no problems with anything Adam Therrien has done and feels this is a positive.

**Moved** by Mr. Marnecheck, seconded by Mayor Antoskiewicz **to approve the lot consolidation of PPN: 483-23-011 and PPN: 482-22-009 on Royalton Road.** Roll call: Yeas: Four (Marnecheck, Michalke, Mayor Antoskiewicz, Castrovillari). Abstain: One (Baxendale). Nays: None. **Motion approved.**

The Law Director stated he knows it has been the practice of the PC to take a vote to allow a member to abstain; however he asked for procedural purposes going forward if any member of the PC feels compelled to abstain or recuse him or herself as a result of either a potential conflict of interest, a conflict of interest or to avoid the appearance of impropriety, that individual should be allowed to abstain. A vote is not needed to approve their opportunity to do so. The secretary will call the roll and if someone has to abstain they will abstain.

**Call to order the PUBLIC HEARING portion of the meeting**

- e) **PC20-29: Davey Tree Expert Company** on behalf of property owner Monteleone Realty, LLC is seeking similar use determination in order to operate a tree service company at 9956 Akins Road also known as PPN: 483-27-001 in General Industrial (GI) District zoning.

Vito Monteleone, 797 Primrose Dr., stated he is seeking approval for occupancy permit for grounds, maintenance and landscape in the City of North Royalton.



The Building Commissioner stated this is for a similar use determination. Davey Tree has been there for some time. This is a housekeeping item. There are a number of items that need to be addressed as part of it. He said he needed clarification on a couple items from the applicant. To recap he said the function of this facility there are Davey Tree vehicles stored on the site. Approximately 30 individuals show up and take the vehicles out in the morning, use the vehicles to do their work and return them to the site in the evening. Davey Tree also utilizes the building on site where they have their operations. There is a yard where they store some of the materials outdoor, nothing out of the ordinary for a tree service company. He asked the applicant what the functions of the vehicles are. The applicant stated they primarily pull equipment trailers and are used to haul material out to the sites.

The Building Commissioner stated there is a portion of the site, approximately 25 to 30 percent towards the back, which appears to be a mulching operation. He said there are trees, lumber and materials that are being dropped off. It does not seem to have a primary use and it is a separate entity that runs that operation. He said that needs to be addressed either partially at this meeting but definitely in the future by the Building Division and PC ultimately. The question to Davey Tree is does their business require the presence of the second company on site to be maintained at this site. He asked when Davey Tree trucks go out, do they bring back materials from the daily site visits: lumber, materials, trees? The applicant responded no.

Frank Monteleone stated he is representing the property owner Monteleone Realty. He said the tree division is dropping off that material, the chips from the trees. That is the division that is located on York Alpha not this division. He said they are running the landscaping division out of the Akins Road property. The Building Commissioner asked if the mulching operation in the back has anything to do with the operation in which they are here to discuss tonight. The applicant responded no. The Building Commissioner stated we are solely discussing the operation up front and nothing else. The applicant responded that is correct. The applicant stated the hours of operation are approximately 7:00 a.m. to 5:00/5:30 p.m. six days a week.

The Building Commissioner stated he has no other concerns as to the condition of the site. It is a typical general industrial operation. The issues we have relate primarily to the mulching business which we will discuss directly with the ownership entity.

The City Engineer stated while looking at aerial photography up until approximately 2002 there was a stormwater management facility on the property. Somewhere between 2006 and 2015 it was slowly filled in to be non-existent. Their stormwater management facility identified in City records as #143 no longer exists. He said he has no permits on file to show it was allowed to be filled in. He said he received a call from Cuyahoga Soil and Water, who does our reports, and asked the City for plans for filling in that basin. He replied he wasn't aware of it. He asked the applicant how that got filled in.

The Applicant responded that they were told it was a swimming pond and was spring fed. He said it was manmade by the previous owner. At that point he said he was told by Nick Cinquepalmi that it was not a stormwater retention basin. He said they had no prior knowledge of it. He said there was a diving board and slide. He said he eliminated all that because it was a place of employment not a backyard.

The Engineer stated if it is indeed a stormwater facility, the penalties according to our North Royalton Codified Ordinances are punishable by fines and jail time. He said he would need

to look into it to make a clear determination that it was actually a stormwater management facility and not a pond as it appears it may have been at one point. He said if there is no outlet control structure it is a pond for all intents and purposes. He said he would review it with Cuyahoga Soil and Water because they would have record if it were a pond. Through that process they will work with the applicants and Soil and Water. He said if it's a stormwater management facility, they would look at having it restored to that condition or brought up to current code. If it was not a stormwater management facility then they can decide to not do anything. The Law Director stated the City does not want to hold them up unnecessarily but on the other hand he doesn't know if we want to grant a license for a similar use permit to operate a business on that property without knowing if they have a filled in stormwater detention facility or just a pond.

The Building Commissioner stated Davey Tree uses about three-quarters of the site. The pond occurs on the balance of the site. In order to not unnecessarily delay Davey Trees similar use determination, it is still incumbent on the ownership to resolve whatever stormwater management issue they have. That is their tenant versus ownership. The Law Director stated he withdraws his objections and withhold any judgement until after the City Engineer makes a determination as to what happened; that will be between us and the ownership.

The City Engineer asked the applicant if he is committed to working with the City to resolve the matter however it ends up. The applicant responded yes.

The Building Commissioner stated perhaps the similar use determination can include some language that provides an approval for the site excluding the separate entity at the rear of the parcel. We are not giving approval for anything that has happened in the back.

The Chair stated Davey Tree has been there for years. Can PC consider tabling this until next month when it is all straightened out. The Law Director responded he understands that is a reasonable option. On the other hand if Davey Tree is seeking approval for their operation and there is no objection on the part of the Administration to Davey Tree's operation and our objection is solely with the ownership as to property that they are still responsible for he said he doesn't see any reason that they can't move forward tonight and consider Davey Tree's application.

The Chair asked for a motion and second to move this over to the regular order of business. Motion and seconded to move this item to the Regular Order of Business. Motion carried.

### **Call to order the REGULAR ORDER OF BUSINESS**

- e) **PC20-29: Davey Tree Expert Company** on behalf of property owner Monteleone Realty, LLC is seeking similar use determination in order to operate a tree service company at 9956 Akins Road also known as PPN: 483-27-001 in General Industrial (GI) District zoning.

Mayor Antoskiewicz asked if the separate entity business is registered and has an occupancy permit with the City or is that something that needs to be addressed. The Building Commissioner stated, yes it needs to be addressed and we will be handling that on a separate track along with the stormwater issue.

Mr. Marnecheck asked the Secretary if notices were sent out to the neighboring properties and asked if we received any negative comments back. The Secretary responded no comments or affidavits were submitted.

The Chair asked for a motion and a second to approve the similar use determination. **Motion** made by Mr. Baxendale and seconded by Mayor Antoskiewicz **to approve the similar use determination with the stipulations.** Roll call: Yeas: Four. (Mayor Antoskiewicz, Castrovillari, Michalke, Marnecheck). Abstained: One (Baxendale). Nays: None. **Motion carried.**

**OLD BUSINESS:**

- a) **PC20-28: 10583/10655 Royalton Rd. LLC** with its principal place of business Transport Services located at 10499 Royalton Road is seeking final site plan approval for proposed tractor trailer parking expansion on PPN: 483-23-011 Royalton Road in General Industrial (GI) District zoning preliminary site plan approval received 9-2-20.

Adam Therrien stated he is seeking final site plan approval.

The City Engineer stated the applicant has provided all the information that was requested. They have shown verbiage into the stormwater management facility to accommodate the new site which includes new storm sewers, concept design only. Everything seems in line with our code, grading and ordinances for stormwater management.

The Chair asked for comments from the PC Board. With no additional comments he asked for a motion for approval.

**Moved** by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to approve the final site plan for 10583/10655 Royalton Road LLC.** Roll call: Yeas: Four (Marnecheck, Mayor Antoskiewicz, Castrovillari, Michalke). Nays: None. Abstain: One (Baxendale). **Motion carried.**

**MISCELLANEOUS**

The next scheduled meeting is November 5, 2020.

**ADJOURNMENT**

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz to adjourn the October 7, 2020 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:00 p.m.

APPROVED: /s/ Gene Baxendale  
Chair

DATE APPROVED: February 3, 2021

ATTEST: /s/ Diane Veverka  
Planning Commission Secretary