

The **North Roylton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **June 2, 2021 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Gene Baxendale and opened with the Pledge of Allegiance.

PRESENT: Planning Commission: Chair Gene Baxendale, Mayor Antoskiewicz, Marie DeCapite, PC Secretary Diane Veverka. Administration: Law Director Thomas Kelly, City Engineer Justin Haselton, Building Commissioner Dan Kulchytsky.

Moved and seconded to excuse for cause Paul Marnecheck and Holly Michalke. Motion carried.

REGULAR ORDER OF BUSINESS:

The Chair provided an overview of the PC meeting process which recently changed the order of business with regards to the application process. We feel it is a more efficient manner of proceeding by combining the Public Hearing portion of the meeting followed by the Regular portion of the meeting for each individual applicant.

The Law Director spoke to the Board Members as well as the audience explaining that only three of the five-member Board are in attendance. He explained the number of votes necessary for a successful application to succeed will still remain at three votes in the affirmative. He offered the applicants the opportunity to request, if they so choose, to have their application be tabled and be heard next month.

Approval of the Minutes:

Moved and seconded to approve the minutes of **March 3, 2021. Motion carried.**

Moved and seconded to approve the minutes of **May 5, 2021. Motion carried.**

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

The Chair adjourned the Regular Meeting and called to order the Public Hearing portion of the meeting.

PUBLIC HEARING / OPEN MEETING

New Business

- a) **PC21-13: Deer Creek Apartments** – Gross Residential on behalf of Deer Creek Apartments is seeking final site plan approval for a proposed pavilion, playground and bus stop shelter at 12445 Deer Creek Drive also known as PPN: 483-17-004 in Residential (RM-D) District zoning.

Eric Edwards with Gross Residential stated as part of the application they are looking for approval for a shared community amenity area for the Deer Creek and Walnut Hill properties. The new amenities will be located off of Walnut Hill Drive but they are all located within the Deer Creek property. He displayed a site plan and pointed out where the amenities will be located. The pavilion and grill area and tot lot will be located between the two existing pools in a shared community space. The pavilion is a 14 ft. x 28 ft. and will have a natural gas fireplace and four natural gas barbeque grills. It is located in a wooded area between the two properties; no adjacent residential properties will have a direct line of sight to this portion of the property.

A new 4 ft. x 8 ft. bus shelter will also be constructing for children waiting for the school bus. The materials for that structure will match the materials of the existing buildings.

The Building Commissioner stated these are nice amenities to add for the residents of Deer Creek and Walnut Hill Apartments.

No one in the audience requested to be heard. With no objection the Public Hearing portion for this item was closed. The Chair opened the Regular Session of the meeting for PC21-13.

Regular Order of Business – PC21-13: Deer Creek Aprtments

Ms. DeCapite asked if the color of the brick will match the colors on the existing buildings. Mr. Edwards replied they are using the existing brick that they used in the entrance sign project. The materials are all complimentary. Ms. DeCapite asked about the maintenance of the bus structure. Mr. Edwards stated he does not see maintenance of the structures to be an issue and the bus shelter will be maintained in the winter for snow removal.

Mr. Baxendale asked if there will be limitations to access of the gas grills. Mr. Edwards responded there will be a switch to activate both the grills and the fireplace. He said onsite maintenance people will be available to assist if needed. The grills will have an automatic timer which will shut off after a set period of time. Mr. Baxendale expressed safety concerns for possibly vandalism or unsupervised use by children.

Moved by Mayor Antoskiewicz, seconded by Ms. DeCapite to approve site plan. Roll call: Yeas: Three (DeCapite, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved.

- b) **PC21-15:** Gray Matter Data – Gray Matter Data on behalf of Gray Matter Reoh, LLC is seeking final site plan approval for a proposed Building and associated site development on PPN: 483-06-025 located on York Beta Drive in General Industrial (GI) District zoning.

David Aulger an architect with Campbell Construction, Inc. spoke on behalf of the applicant. He said they are seeking final site plan approval for a new facility and associated site development. Mr. Auger said the one-acre parcel is an irregular shaped parcel at the end of York Beta Drive. The project is for a 10,000 sq. ft. facility with associated asphalt parking and a dry detention basin located in the front property. He displayed exterior elevations. It is a pre-engineered steel building with a masonry abuse resistant wall comprised of split face concrete masonry in glacier white topped by a pre-engineered metal siding that is cool shell gray. That siding will be a concealed fastener, smooth panel for a clean modern appearance.

Mr. Aulger said the building will be used as a data center for Gray Matter Data Services. They currently have six employees and currently rent space on York Alpha Drive. This will be an expansion of their business. They plan on keeping both facilities with the anticipation they will fully need both. The six employees they have will go back and forth between the two facilities as needed. He said Tim Hock, CFO of Gray Matter Data Services was also present to answer questions.

The City Engineer provided an Engineering Department report which is on file. He said the applicant is disturbing less than an acre and they are providing stormwater management on

the project as required. He said a full set of drawings, management report and calculations will be submitted for Engineering Department review and the NEORSD review.

The Building Commissioner stated Campbell Construction has done a number of projects in the City and have come before us with a complete package of material for this project. The Setbacks and required parking are all in compliance with City ordinances. The use is in compliance with the building code. He said he has no concerns regarding the building appearance; they have added masonry as required by our code.

No one in the audience requested to be heard; therefore, with no objection the Public Hearing portion for this item was closed. The Chair opened the Regular Session of the meeting for PC21-15.

Regular Order of Business – PC21-15: Gray Matter Data

Mayor Antoskiewicz stated it looks like they have come in with everything in order. He expressed his appreciation to Mr. Hock on making the City of North Royalton a more permanent home instead of renting space; hopefully they will be expanding out even more down the road.

Ms. DeCapite asked what type of business is Gray Matter. The applicant responded it is a data service company. The production room will be full of computers. Ms. DeCapite said the architecture design of the building is attractive and fits in the context that it is in.

The Secretary read into record comments from the Fire Department: based on the use occupancy of the building, a fire alarm system, sprinkler system or other fire protection features may be required. The Building Commissioner stated they are referring to Ohio Building Code requirements which will be reviewed by the Building Department once plans have been submitted.

Moved by Mayor Antoskiewicz, seconded by Ms. DeCapite to approve site plan. Roll call: Yeas: Three (DeCapite, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved.

- c) **PC21-16:** DiGioia-Suburban Excavating – DiGioia-Suburban Excavating on behalf of Jessica Development LLC is seeking site plan approval for additions and alterations at 11293 Royalton Road also known as PPN: 483-20-001 located in General Industrial (GI) District zoning.

Terry Monnolly management member of Jessica Development and co-owner of DiGioia-Suburban Excavating spoke on the application. They are planning to put an addition on their existing weld shop building. He said they have recently hired two additional welders and therefore need additional space in their weld shop which is where they manufacture their own excavator buckets. They also want to add a 40 ft. x 144 ft. pole structure that is open on one side which allows them to store some of the equipment inside and not be covered in snow during inclement winter weather. He said the portion of the building used for storage of power hand tools, etc. will be enclosed for security purposes. At this point they do not anticipate putting electric in the building. They are planning a concrete pour so the loaders can shelf-rack some of the stuff. This will help to clean up and organize the site. They plan to eliminate the existing old garage structures.

The City Engineer stated the new building and building expansion will be built on a pervious area so there will not be an increase in stormwater. The applicant was asked to comply with recommendations from Cuyahoga Soil and Water Conservation District (CSWCD); they made comments about permanently stabilizing some of the areas in the back. He said he visited the site and they did comply. He said they received a new report today from CSWCD which states a significant effort has been made to resolve the stabilization issues and therefore the notice of the deficiency has been removed. They are wanting the company to go a couple steps further to stabilize a couple other areas. He said overall there are no large issues from an engineering perspective.

The Building Commissioner stated anything that will assist DiGioia Suburban in helping organize and clean up their site and get some of their material out from the open into a shelter is a positive move. It is a metal building one expected to be seen in a General Industrial District. Given the submission here before us, he noted the fencing is being extended along Royalton Road. He asked Mr. Monnolly if they can extend the landscaping along with the fencing. Mr. Monnolly responded yes absolutely.

The Secretary read into record a letter from Peter Hatlovic, 14731 King Arthur Court, which stated he disapproves of the application due to the noise violations every day and because it has hurt the resale of homes in Camelot Estates due to the noise.

No one in the audience requested to be heard; therefore, with no objection the Public Hearing portion for this item was closed. The Chair opened the Regular Session of the meeting for PC21-16.

Regular Order of Business – PC21-16: DiGioia-Suburban Excavating

The Mayor said anything to help clean up the yard is always a welcomed project; he said he is in favor of the application.

Ms. DeCapite asked for clarification for the portion of the building being open. Mr. Monnolly addressed the reason for the design of the building as well as the comment regarding noise. He said years ago the City set up a decibel reading on that street and at that time they said the readings were way below the limit therefore the noise issue was dropped.

Moved by Mayor Antoskiewicz, seconded by Ms. DeCapite to approve site plan. Roll call: Yeas: Three (DeCapite, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved.

- d) **PC21-14:** The Islander Patio & Grille – The Islander Patio & Grille on behalf of property owner Patio 82, LLC is seeking final site plan approval for proposed Bar and Grille along with associated site improvements at 6031 Royalton Road also known as PPN: 487-06-022 in Town Center (TCD-2) District zoning.

Present to speak on the application were Chad Trush, owner of The Islander Patio & Grille and Joseph Hanna, architect for the applicant. Mr. Hanna stated plans are to remove the existing patio structure and the small single-story building on the side of the property, restore the existing restaurant space, expand the patio area. and redo the parking lot. They have new calculations regarding the number of spaces for parking.

He said they are going to dress up the old building, both inside and out, and restore the inside back to its original state. They will re-clad the exterior of the building and add outdoor areas with trellis and pergolas as well as partially covered canopy over top of a new bar outside. To provide a buffer for the parking lot, they are planning a series of fencing and planters that go around the perimeter to create a lush-feeling environment with dining and lounge areas and associated areas that will be part of the restaurant when the weather is nice. They plan on opening parts to the patio with glass garage doors to get an indoor-outdoor feel. He said Chad has experience with events such as private functions and receptions. We have designed the space to accommodate those events.

Elevation: they are proposing a new entry vestibule that would be glass and aluminum with an entry canopy made of timber type wood with columns and stone base. The garage doors will face the front of the building with the stone walls and planters that go across. They are wanting to have a substantial fireplace to extend the season as much as possible. Covered entryway in the front with a lounging greeting area out front for those waiting for a table. There will be a sign on the front entry. He said their logo has a three-dimension look which makes it look like it is floating.

Side view: A covered patio. They will be using a combination of materials of wood cladding and corrugated metal siding. It gives a sleek contemporary look with an interesting industrial look. Inside of the building is all steel trusses; it used to be a mechanic's shop. Fencing/planters are designed to allow ivy to grow inside and outside of the patio. There is combination of pilasters made of stone material as the cladding. Stucco material will be used where the outdoor bar will be underneath the canopy. Signage on the canopy will demarcate the main central outdoor point of the space.

Floor plan: The area towards the back is a multi-purpose area with a fire pit. When people want to casually hang out they can sit around the fireplace and possibly stay later after the restaurant is closed. An area in the back will have a semi-private dining area for conferences, presentations, private meetings, etc. The design shows a central bar with exposed ceiling steel trusses. They want a nice outdoor area to give it a lot of street life. The multi-purpose area will have an outdoor television and room for a small band inside the glass garage doors can be opened up to the outside to provide entertainment.

The City Engineer stated the applicant is proposing to disturb less than one-half acres with a reduction in impervious area. He said he would like to see landscape islands close to route 82; similar to the neighboring property to the east. It would be located where the parking spaces end to the sidewalk. They shouldn't lose any parking spaces.

The Building Commissioner stated we have recently undergone a review of our parking ordinance for the City of NR which resulted in a revised parking chapter for commercial entities to do shared parking agreements. Their requirement for parking exceeds what is available on-site. The new code allows for PC to approve the use of shared parking in this particular instance. The applicant is aware they need to provide parking at other locations in addition to what they have available on site. They were asked to bring backup information as to how much they have, how much shortfall and where they will achieve the balance of the parking requirement.

The property owner Chad Trush stated they have an agreement to purchase the strip of property next door at 6015 Royalton Road. The 9800 sq. ft. of property houses eight tenants including the Subway business and office spaces. The property has roughly 39 parking spots and additional land behind that, and also behind his property. The additional 39 parking spaces

should be satisfactory to what the PC would approve. He said they also have an agreement with PNC to allow them to use their parking spaces in their off hours; Friday and Saturday nights and possibly Sunday afternoon. He said they have been working with the Branch Manager at PNC. They still need to acquire a formal leasing agreement but they need to get their corporate office to signoff. They have almost 20 parking spots.

The Building Commissioner stated with the pending agreements, it brings him to 77 spaces that fall under his ownership. This only makes him shy of seven spaces assuming he has a packed house. With the pending agreement, he has an adequate number of spaces to comply with our code. Our code gives two options for compliance; on the low end it is 63 spaces on the high end it is 84. So given what he described, he meets and exceeds the requirements of the code for parking. If the Board wishes, the Building Department will follow-up with the details of the PNC agreement at a later time. Should they not achieve it, the applicant would be referred back to PC.

The Building Commissioner stated the second item before us is the Town Center District. We strive in the TCD for forward progress to the beatification of the city. The TCD being one of our primary focused areas. We have been restoring tree lawns, requiring landscaping and betterment of the streetscape. In this particular parcel there is no tree lawn between the sidewalk and the parking lot. He suggested that the PC, should they choose to approve this project, require that the tree lawn be reinstalled at the three portions (two entry drives: entry drive – tree lawn – entry drive – tree lawn). The applicant will lose a couple space but it would comply with the requirements set forth before us. He asked for a landscape drawing to be submitted for review and approval. The exterior appearance of the facility itself is in his architectural opinion a very sophisticated design. He appreciates the amount of detail that was presented to us by the architecture, both in the materials and the amount of thought that has gone into the project. It will be a good amenity for the city and will increase our downtown vibrancy of the TCD. Zoning wise they have multi-family to their south and businesses to their east, west and north. This restaurant would not be a nuisance or disturbance to adjacent properties even if they would be open in the later hours. Our noise ordinance would still remain in place regardless of the situation.

The Law Director spoke regarding the question of the shared parking agreements. The Building Commissioner stated the code allows shared parking if they cannot secure parking; it has been extended to the commercial realm. The PC would then provide the oversight to decide; the decision would be by someone other than the Building Commissioner. The Law Director asked what happens in the event that the parcels fall under separate ownership down the road; the individual purchasing the other Subway lot chooses to terminate the shared parking agreement. The Building Commissioner stated a stipulation should be in place that the applicant come back before the PC in order to meet their goal. He added this has been a restaurant establishment for some time so the parking problem has always existed. We are just trying to make sure that it as good as it gets. He said the applicant is also demolishing a building on site, an old garage, to make more room.

The Law Director said he has no objection.

No one in the audience requested to be heard; therefore, with no objection the Public Hearing portion for this item was closed. The Chair opened the Regular Session of the meeting for PC21-14.

Regular Order of Business – PC21-14: The Islander Patio & Grille

Mayor Antoskiewicz asked if there is a street sign proposed in the plan. Mr. Hanna stated the plan is to replace the existing Mario sign with a brand new Islander sign; bigger and more beautiful if possible. He said they do not have drawings yet for the signage. The Mayor asked if they can take the old Mario sign down ASAP because of its deterioration.

The Mayor asked for clarification, if we approve the site plan based on all the information that Mr. Trush has provided as part of the agreement, do we add a stipulation that if the buildings or properties are sold they will they have to come back to PC. The Building Commissioner asked the Law Director if it is read into record that the number of parking spaces as they have stated is their parking and if the configuration changes, would it not be incumbent on them to appear again before the PC. The Law Director stated in prior circumstances we had the developer provide cross easements which would be recorded and mandated; whoever owns the property is charged with taking it with the easement in place. As a result, even if the ownership diverges and one parcel is alienated the easement is still there for the benefit of the primary use which is the restaurant.

The Building Commissioner stated it is an existing use that is already a nonconforming use because of the existing parking limitations. The Law Director stated he could see the PC readily approving this application with this arrangement in place.

Here we have two separate adjoining parcels. The Law Director said Mr. Trush has bought both properties and put them under a common ownership, but they are still two separate parcels. The Law Director added if they were to do a lot consolidation with the Subway property, we would have no problem. The Building Commissioner said the city cannot require him to do a consolidation of the lots. He added the owner has not created his own hardship; this individual is coming into a situation that already has the lack of parking.

The Law Director reiterated we have a nonconforming use; a big restaurant with insufficient parking but it has been there long enough that it can function as a restaurant. The new owner realizes it is not sufficient for him and is seeking to have more places to park. He reiterated that the Building Commissioner is saying that he is not going to force them into a lot consolidation; he is willing to accept and recommend to the PC that they accept a shared parking agreement on two parcels.

The Chair asked the applicant if he would be willing to consolidate. The applicant responded, because it is a completely different use, he would like to discuss it with his lawyer.

Mayor Antoskiewicz said Mr. Trush took the recommendations from the Building Commissioner seriously and went out and not only got lease agreements but also went out and bought property in order to make a commitment to be in a conformance aspect. He feels it is worthy of PC's approval. No matter what business goes in, it will always be an issue.

The Building Commissioner stated the code states the applicant needs to provide to the PC a shared parking agreement; it does not state he needs to provide to us a purchase agreement for additional parking. He restated that between the two parcels he currently has under his control 77 spaces. The requirement is 84 which is a shortfall of 7 spaces; It is more than adequately covered by the 20 additional spaces which can be acquired from PNC. He added that 77 is a reasonable number given that our code starts off with two options of compliance.

Ms. DeCapite stated she appreciates they are keeping the existing structure by taking advantage of what is already there; it makes it a more interesting place. She questioned access to parking from the two additional parcels. She asked if there will be signage for customers so

they are aware that additional parking is available at other businesses and also asked if pedestrian access to the properties will be available and additional lighting if needed. Mr. Trush responded they will have directional signs as needed and if the current lighting is not adequate, additional lighting will be added. Ms. DeCapite asked about the additional parking lots business hours used by existing tenants. Mr. Trush stated the businesses have banking hours; mainly open during the day.

The Building Commissioner stated there are no limitations in terms of hours and music. There is an ordinance within the city for noise. If there is a noise issue the Police would handle any complaints. If this were directly adjacent to a residential parcel, we may have stipulations but that is not the case. The multi-family complex is a significant distance away from this business.

Moved by Mayor Antoskiewicz, seconded by Ms. DeCapite to approve site plan with the contingency the applicant receives formal agreements for the purchase of the additional property as well as shared parking agreements in place and meet the requirements by the Building Division for landscaping, pedestrian signage and lighting. Roll call: Yeas: Three (DeCapite, Baxendale, Mayor Antoskiewicz). Nays: None. Motion approved.

Old Business

- a) **PC21-17: What's the Scoop?** – Doug Crandall owner of What's the Scoop? ice cream shop is seeking site plan approval on behalf of property owners Mary and David Tamburro for a modification to previously approved site plan for a pick-up window at 5160 Wallings Road Unit D also known as PPN: 489-19-051 in Local Business (LB) District zoning.

Hanna Crandall spoke on behalf of her parents Doug and Maureen Crandall, owners of What's the Scoop ice-cream shop. The application tonight is to discuss the need for the fence. She spoke regarding the designated parking spaces in the back lot for idling vehicles waiting for their orders from the pickup window. Initially they were located in the back northeast corner of their parking lot. It was then suggested to have them relocated to the back northwest corner of the lot because of privacy concerns for the neighboring property.

The Law Director stated the application is originally from Doug Crandall. He said in terms of authority, the question is if she is able to speak on behalf of the owners of the real-estate property. She responded she is speaking on behalf of her parents; however, the owners of the parcel are present. The Secretary stated a written authority was submitted by Douglas Crandall to allow Hannah and Michael Crandall to represent him. Rosealie Tamburro the daughter of Mary and David Tamburro, owners of the property, stated she represents her parents. The Building Commissioner stated in the original application, the Crandalls were given the authority to speak on behalf of the Tamburros. The Law Director stated the tenants are not generally in a position to make a commitment for a permanent improvement on land that they do not own or for an expenditure of money on behalf of the owner of the real-estate. He asked Rosealie if she has the authority to commit her parents' money to the expenditure of improvements assuming that is where we end up. Rosealie responded, no. She asked if she could put her parents on a Zoom call to participate in the meeting.

The Building Commissioner said any fencing that is to be installed along the neighboring property was to be paid by the Crandalls. Therefore, the financial expenditure will not be occurring out of the ownership of the parcel; the tenant is paying for the upgrades. The Law Director said we cannot have a final approval for the application and then come to find out at a later time the Crandalls or Tamburros do not approve of the nature of the fence. Rosealie

stated at the previous meeting, the Crandalls were never given permission to speak on behalf of the Tamburros. The Building Commissioner stated in the original application, a form giving authority was signed.

The Chair stated he is not willing to entertain anymore discussion on this unless they are willing to bring it to a vote tonight with the situation the way it is. He said at the last PC meeting, approval for the drive-up window was granted contingent upon the agreement of putting up a fence. The window has been put in place and assumes the window is being used for their business.

Ms. Crandall stated yes, the window was put in place. She asked if the PC would hear her out to why she is proposing they readdress the situation to not having the fence put in.

The Law Director stated the PC gave permission for Mr. Crandall to be permitted as the tenant to put the window in with contingency; the contingency was not met. The window went in anyway. He said they have breached their agreement with the City.

Ms. Crandall stated they have had numerous issues with the availability of lumber.

The Building Commissioner expressed what the requirement of the Board were to Maureen Crandall. She did not feel it was an appropriate interpretation of the Board's statements. He said he disagrees with the comment regarding the lumber shortage because he found large quantities available at Menards. He also stated that is not the reason Maureen Crandall gave for not wanting to install the fences and was told that is not an excuse to not put in the fence.

Hanna Crandall stated they have used the pickup window for only seven orders.

The Building Commissioner stated he expects the business to stop using the window until there is some level of resolution. He said his recommendation is for the applicant to clearly define what they are willing to do or not willing to do and not attempt to negotiate with the PC. He said fencing should still occur to provide some level of privacy for the adjacent neighbor.

Nick Labosy, husband of Rosealie, stated there was gray area as to the extent of fencing needed between the two properties based upon the amount of disturbance that it could potentially cause. He said it was originally discussed that fencing extended from the rear of the building to the neighboring parcel owner's fence. Because the parking spaces for idling cars have been moved from the corner closes to the neighbor to the opposite corner of the parking lot, and will not cause a disturbance; the Tamburros see no need that it be interpreted that a fence is needed along the back segment of the property. He said by moving the designated parking spaces the use of the back parking lot has not changed and is inline as it has been for the past 30 years. It is not a nonconforming use.

The Mayor said the application submitted states they are questioning the need for the rear fencing as well as looking to revisit the proposition for the front fence that was discussed at the previous PC meeting. He said we want the business to thrive; but at the previous meeting we went through the whole scenario as far as why we believe, as a Commission, that fencing is appropriate; both in the front and back. He said after much discussion Mr. Crandall agreed upon the contingency. We should not need to go through the same arguments again. The Building Commissioner said our job is to make sure that you are successful and thrive as a business in our city but we also need to make sure the adjacent neighbors, residents and other individuals in the City enjoy our wise decisions and good planning; these are two things we need to balance.

The Law Director stated the fence along the parking lot, which was the contingency upon which the application for a pickup window was granted, needs to go up whether the window stays or goes because that is what the PC ordered. The need for the fence in the back can be discussed.

The Chair asked the applicant how she wishes to proceed. Hanna Crandall said she knew what the PC would say going in and thought because they are a local business who was hurting; the request was worth a shot. She asked if they can at least relook at the back fence area since they have addressed the concern with the idling cars. The Building Commissioner stated he would like this decision to be made by the PC and have it on the record. He said if the Commission would like to consider the alternate scenario regarding the fence in the rear, he would be open to it. He said he would first like to hear from the neighboring property owners.

Bob Sindyla, Attorney, represented Randy and Debbie Stender who were present in the audience. He displayed pictures of the properties. He spoke regarding the business' front patio and how it creates a lack of privacy for the Stenders. He said if the business only had the small patio by the brick area, it wouldn't be an issue. The existing fence was put in by the Stenders. They are requesting a 6 ft. fence to be extended forward from their existing fence to the flagpole to block the patio. For aesthetics, the Stenders would agree to have only a 4 ft. high fence extend another 8 to 10 ft. to keep the kids out of their yard.

The Mayor asked Mr. Sindyla how the Stenders feel about the need for the extension of the back fence with the change of location of the designated parking spaces. Deborah Stender, 5148 Wallings Road, said their original concern was the fencing for the front fence. She said as long as the front fence goes up as agreed to in March, the back fence is not an issue.

With no one else wanting to be heard from the audience, the Public Hearing portion for this item was closed. The Chair opened the Regular Session of the meeting for PC21-17.

Regular Order of Business – PC21-17: What's the Scoop?

The Law Director stated Ms. Crandall now is fully aware of and understands the significance of the front fence effort and willing to uphold their end of the bargain that was made before the PC some months ago. He added that if Ms. Crandall modifies her application now and withdraws the request to secure some waiver on the front fence, but proceeds with her application to be relieved of the obligation of the back fencing, the record would properly reflect an application that the Commission might consider. He asked Ms. Crandall if she would be willing on the record to modify and amend PC21-17 application to reflect that she is only seeking relief from the back fencing requirement that Mr. Crandall agreed to previously. Hanna Crandall responded, yes. The Building Commissioner said the front fence from the end of the existing fence on the Stender's property forward would be a 6 ft. fence to the end of the commercial building and then switch it to 4 ft. high fence to the end of the patio for aesthetic reasons. He asked does anyone present not have clarity with the requirement. Hanna Crandall stated that is clear.

The Law Director asked Ms. Crandall to communicate this to Doug Crandall in a way that is clear to him that we are not negotiating. We are insisting that he uphold his end of the bargain. Hanna Crandall said she fully understands.

The Law Director stated the balance of Ms. Crandall's application for What's The Scoop to be relieved of the fence requirement for the back side of the property is what will be voted on

should the PC so choose to move forward. They are affirming that they will uphold their part of the bargain with regard to the installation of the fence as the Building Commissioner described. The Chair asked if the PC can also add that the window cannot open until the fence is in place. The Law Director said yes that can be added. Ms. DeCapite agreed with the Chair that the stipulation be added. The motion is to approve the amended application with the caveat that the window shall not be used for any purpose until such time as the fence is completed. The Chair agreed.

Mr. Sindyla stated the Stenders would like to have the 6 ft. fence go to the flagpole which would give them a buffer. Hanna Crandall asked for clarification if they are speaking about extending the existing fence on their property or are we talking about putting in a second fence. The Building Commissioner clarified the fence the Crandalls would be installing would be put on the owner's side of the property, not on the Stender's property. It will start from where their fence ends only going forward. It is not a fence on another fence. He said a 6 ft. board-on-board fence going forward to the flagpole is an acceptable solution and asked if that is acceptable to the applicant. Ms. Crandall responded, yes.

Moved by Mayor Antoskiewicz, seconded by Ms. DeCapite to consider the amended application to reflect that she is only seeking relief from the back fencing requirement that Mr. Crandall agreed to previously and will install the front fence from the end of the existing fence on the Stender's property forward with a 6 ft. board-on-board fence to the flagpole and then switch it to a 4 ft. high fence to the end of the patio for aesthetic reasons. The window cannot open until the fence is in place. Roll call: Yeas: Three (DeCapite, Baxendale, Mayor Antoskiewicz). Nays: None. Motion to approve the amended application was granted.

MISCELLANEOUS

The next scheduled meeting is July 7, 2021.

ADJOURNMENT

Moved and seconded to adjourn the June 2, 2021 PC meeting. Motion carried. Meeting adjourned at 9:30 p.m.

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: July 7, 2021

ATTEST: /s/ Diane Veverka
Planning Commission Secretary