

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **February 8, 2023 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, Paul Marnecheck, John Ranucci, Secretary Ian Russell. Administration: Law Director Tom Kelly, City Engineer Justin Haselton.

Marie DeCapite was absent with cause.

REGULAR ORDER OF BUSINESS:

Approval of the Minutes:

Moved and seconded to approve the minutes of **January 4, 2023. Motion carried.**

The Law Director stated many of the people in the audience are here for PC23-03 (Sherwood Trail). He is aware that there is some concern on the part of the residents relative to this application. As a result of that concern, the City Planner secured copies of the PC minutes from 1986 and some of the original drawings. Some were given to understand by the developer that the property that is the subject of tonight's application would never be developed. As you can see from the minutes, the records do not support that. There was always the anticipation that the cul-de-sac was only a temporary experience. It was anticipated that the street was extended. The plans on page 2 indicates that the cul-de-sac that is there now was to be a temporary cul-de-sac. The residents are still welcome to come to the microphone and speak.

The Chair provided an overview of the PC meeting process. Public Hearing portion of meeting called to order.

PUBLIC HEARING / OPEN MEETING

Old Business

1. **PC22-12:** Tabled November 2, 2022. Pending submittal of a revised preliminary site plan for a proposed detached single-family cluster development consisting of 21 sublots located at 8217 Ridgedale Drive also known as PPN: 489-02-005 in Residential (R1-A) District zoning. **No revised plans submitted.**

New Business

1. **PC23-03:** Keith Kassouf, on behalf of Fairway Royalton Properties, LLC, is seeking preliminary site plan approval for a proposed subdivision extending off Sherwood Trail consisting of four buildable lots located at PPN: 489-10-077 in Residential (R1-A) District Zoning.

Keith Kassouf stated Terrence Wilson of TRW Construction will be speaking on this application. Mr. Wilson stated they are proposing site work to extend four single-family homes. The homes will be around 3500 sq. ft. The lot values are around \$90,000 -- \$100,000 each.

Jeff Jardin of Riverstone Company, engineer for the project said the plans show a small subdivision with four buildable lots with a fifth lot separated in the back for the proposed detention basin for this development. Plans are to remove the existing temporary cul-de-sac and extend the roadway to a permanent cul-de-sac. Both the water lines and sanitary sewers will be extended. Storm sewers will be added for the roadway as well as for the four buildable lots. Storm sewer water will be collected and taken over to the retention basin where it will be held and detained in a water quality treatment system. It will then release into the existing sewers in the area. He said even though this is a preliminary sketch, some preliminary storm water calculations were done. The proposed detention basin is sized for about 25,000 cubic ft. The detention for a 100-year storm would be about 17,000 cubic ft. Stormwater will be collected from the swale including the properties further from the south which also goes through the detention basin. Additional calculations will be provided to the City as the plans are finalized.

The applicant stated they are a custom home builder. The dwellings will be stone and brick valued at approximately \$600-\$700; comparable to the price of the existing homes on the street. The two houses on Ridge Road that were in bad shape were removed. Two new ranch homes were built there.

City Engineer: Comments were provided regarding the storm water aspects of the project. As the applicant said, the parcel they are proposing to develop slopes from south to north. All the storm water is being directed to the homes on Sherwood Trails. Some of it is directed to the 15-inch storm sewer to the east and some to a 12-inch sewer on the west side of the road. The project is proposing a storm water basin on the east side; it will provide a benefit to the homes on the east side. The water currently is being directed to the first home. It will now be collected and released at a slower rate than is currently on site. There will also be less water getting into the 12-inch storm sewer on the west side of the road. The applicant will have to design the basin to City standards and calculate the critical storm. A majority of storms in this area will be released at a rate of the one-year storm and be released directly into the existing 15-inch storm sewer. Overall, this proposal will also improve storm water issues for existing residents.

City Planner: The Building Department looked at it from a planning and zoning perspective. The proposal meets the density requirements of the zone as well as lot size, setbacks and other requirements for those buildable lots. The proposed street right-of-way and cul-de-sac dimensions meet our code requirements as do the sidewalks. All the easements are to code. Our code requires cul-de-sacs typically to be a maximum of 600 ft. in length. The current cul-de-sac length is about 692 ft. With the extension it will result in a cul-de-sac length of about 920 feet. There are cul-de-sacs in our city that are significantly longer. There should be an unobstructed area of at least 50 lineal feet at the end of the cul-de-sac. We would like the developer to continue the proposed sidewalk around the radius of the cul-de-sac.

Law Director: The developer will need to create a new HOA for the 4-lot development. They have been made aware that the detention basin would need to sit on its own separate parcel. The plans show that they are looking for a sub-division of the parcels that would allow for that. In the declaration and by-laws there must be provisions that call for the four-home HOA to provide for the regular maintenance of that detention basin and to provide language making the City essentially a third-party to the contract such that if the homeowners fail in their obligation, the City will either, at its option, bring a forceable injunction action that it be done or in the alternative that the City can take action to clear the basin if necessary and then lean the homes. The developer will provide the buyers full knowledge of the obligation. That language will be in the declaration, in the bylaws and on the deeds.

Two letters were received from people who were unable to be present.

- Angela Dugarniero, 10731 Sherwood Trail, is against the approval of the proposal. Implementing the plan would only making their storm water problems worse and questioned who will be responsible for flooding of her home, the builder/developer or the city that approved the plan.
- Demonico Gentile, 10741 Sherwood Trail, is against the approval of the proposed plan. They have had water problems for years. The south side of the property floods during heavy rains and the water rises so high it enters his garage. The fixes implemented by the builder and the City have not worked and the problem has only gotten worse. The current drainage system is not adequate to handle the present runoff.

James Day, Jr., 10720 Sherwood Trail, stated he has the first catch basin on Sherwood Trail of the cul-de-sac. He said water is a major concern for the neighborhood. He said the water runs west to east from the properties off Ridge Road to Sherwood. He is looking for assurances about water. The first two parcels on the west side do not have a catch basin in front of their house; the water keeps flowing

around the corner and coming down. He would like to know where the catch basins will be located on the west side.

Tim Fowler, 10691 Sherwood Trail, said he is not opposed to the development. He would like assurance that the cul-de-sac is large enough. He said there may be a spring or two on the property on the west side of the proposed cul-de-sac which ponds. Large amounts of rainwater run down Sherwood Trail and pools at the bottom. The home architectural style should match similar structures that are in Sherwood; high pitch roofs, stone and garage doors on the side.

Rocco Gentile, 10721 Sherwood Trail, spoke about the existing stormwater system that was not designed properly and does not adequately handle the current water. Within six months of his mother living in the home, they had flooding issues. The parcel needed to be regraded and window wells installed because of storm water problems. That was insufficient. They then put an 8" pipe along his mother's driveway going from the existing detention basin to the street. That also is insufficient; she still experiences flooding going into their glass block windows and into the garage. Even though the detention basin will hold 21,000 cubic ft., which is enough for the four homes, it is not enough for the water that drains from the surrounding areas which is approximately five acres or more. He asked for more calculations for stormwater drainage. He asked who will compensate homeowners for flooding.

Jim Riddle, 10710 Sherwood Trail, asked that someone speak about the status of the small wetland areas shown on some of the diagrams; what categories are they and will mitigation efforts be required.

Stefan Potz, 10711 Sherwood Trail, stated their developer assured the residents the cul-de-sac was going to remain. He expressed his concern regarding the water issues and the doubt that four homes can monetarily support one retention basin. The builder should have money in escrow to be sure the retention basin is maintained.

Mihail Konstantinos, 6733 Drawbridge Circle, stated their runoff flows down into that area. He said the rear of his backyard is a swamp. The building of the four homes cannot put all the long-standing residents who have been there for decades at harm. He wants the Board to reconsider the approval of this application and how it will affect the current residents in the area. He asked if the elevation of the homes will be raised; are they bringing in fill dirt. If they build it up, it will bring in more water into their backyards. He asked about the standing water in the retention basin and relocation of wildlife.

Joanne Krejci, Ward 3 Councilperson, stated the proposed stormwater system needs to be more than adequate, giving assurance that as time goes on and things change there will be something to take care of their problems. She also expressed her concern that eventually another home can be added at the end of the Cul-de-sac from the parcel off Wallings Road. Are we doing something now in case additional construction is in future plans.

Marc Zarzycki, 10740 Sherwood Trail, expressed concerns and how construction will be a major inconvenience for him because he works out of his home. How will construction affect access to the residents on the cul-de-sac. He asked if the woods will be cleared removing any privacy he currently has.

Residents also expressed concern regarding disruption of utilities, normal life and additional impervious area which will not soak up the water.

With no further comments or input, the Chair closed the public hearing portion of the meeting and opened the Regular Order of Business.

Moved by Mayor Antoskiewicz, seconded by Mr. Marnecheck to approve preliminary site plan for a proposed subdivision extending off Sherwood Trail consisting of four buildable lots located at PPN: 489-10-077 in Residential (R1-A) District Zoning.

The applicant's engineer showed the current existing conditions for the site. He said it is like a bowl. Stormwater comes in from west to east. There is significant grade change on the east side, going from east to west. There is also a significant grade change on the other side going from south to north. There is quite a bit of area draining down into the bowl. There are two channels that the field survey picked up; one directs the storm water down to the headwall with a 15-inch storm line that heads towards the eastern catch basin. A second swale picks up the storm water and directs it to the headwall at then end of the cul-de-sac that directs it over towards the existing 12-inch storm sewer that then continues down Sherwood Trail. There is a swale towards the middle that also directs the storm water to the existing headwall.

Mayor Antoskiewicz asked the applicant, how are you going to help the residents on the east and on the west by collecting their water that they now have problems with. If that is possible, tell the Board how the basin will catch the water and not give them more water. Does all the east and west water both come into the vacant property now. The applicant responded yes, a lot of the storm water from the adjacent properties do filter onto this; it splits itself between the system on the east side and the system on the west side. The water will be collected on the applicant's site before it gets split off because it travels from south to north.

He displayed the preliminary utility plan which shows the intent with the storm sewers and the basin and outlet. They are proposing six catch basins. East side: The proposed detention basin will be located on the east side. The existing swale will be relocated so it is directed right into the detention basin. The detention basin will be collecting runoff from that area and also the runoff from the houses. The catch basins will collect the runoff from the cul-de-sac and part of the roadway and the four houses. The runoff will be discharged into the basin in the back. They will take their post-development flow rates for what flows to the east side and detaining it down to that rate. The water will be held and released through an outlet structure over to the 15-inch storm sewer. After being questioned, he corrected his statement and said the runoff from the roofs, downspouts and driveways will be collected in the storm sewers. Runoff from the lots, the backyards of the west side will be collected and will be taken to the sewers on the west side of Sherwood Trail. West side: There is quite a bit of grade change. There will be yard drains across the back of the property to help collect the run-off before it gets to the roadway or to the houses. A couple catch basins in the back of these properties will be picking that up and taking it directly to the storm sewer. A majority of the site right now is going into a 12-inch storm sewer. Plans are to take the west side of the lot collecting the catch basins and taking it over here while a majority of the storm water will be going over to the basin. They will be reducing the amount of water that is going to be going to the existing 12-inch storm sewer on Sherwood Trail. They are going to be doing detentions that will reduce the runoff coming off the site based on the critical storm requirements. The post-development 5-year storm is going to be less or equal to a 1-year storm being generated now at the site. They should be sending it at a reduced rate to that storm sewer; same with the west side. He explained about the 1-year and 5-year storms, the intensity of the storm events and percent chance it's going to happen.

Mr. Ranucci asked for additional details regarding the basins including how deep it will be. The applicant stated it will be a 5 ft. deep dry detention basin. It should detain water for about 48 hours after the storm to meet the EPA requirements for water quality treatment which requires a 48 hour draw down. It will be released out to the storm sewer. After approximately 48 hours, it should dry out completely. The basins are sized for the four homes, part of the pavement and the immediate area that is draining to it.

Inaudible questions. The applicant responded it will help with the uncontrolled runoff coming from the adjacent properties.

Mayor Antoskiewicz asked about water from other areas farther down that travels that way now. We need to know more about the surrounding areas and the water going through there to make sure the basin would be sufficient for both the development but also for the surrounding areas. The applicant responded these are preliminary plans; they will re-review the drainage calculations and modify the basin if needed to include all the storm water going through that area.

Mr. Ranucci asked if a basin can also be put on the west side. The applicant responded the basin would need to go on the high-side which would eliminate a buildable lot.

Mayor Antoskiewicz said he has had concerns in the past with what developers are telling the HOAs; it may not have been factual. When the developer is turning over the development to the HOA, the Mayor wants to be present at the meeting. He wants to be sure the HOA knows they will be responsible for the detention basin. Trucking the sediment that was dredged out of the city could be costly. His other concern is if the four houses responsible for the basin would be able to maintain the basin and what that burden can be over time. The Mayor stated the city contracts with Cuyahoga Soil and Water to perform an inspection of every basin in the city. The inspections are done on a rotating basis every three years. A report is filed with the City of what maintenance needs to be done. If dredging is needed, that is generally a big expense for HOAs. The Applicant responded it is a dry retention basin and is not that big. If the basin needed to be cleaned the expense to do so would be approximately \$1,200/year. That is if it would need to be maintained once a year.

The Chair asked if the applicant if the existing sewers are sized adequately enough to handle the water after the development. The applicant responded he does not have the numbers with him but he does know the water going there now will be reduced. If this application moves forward, he said they will do the storm water calculations necessary. The Mayor questioned the sanitary sewers shown on page C301. The applicant responded that is an existing sanitary manhole. It is strictly a sanitary sewer.

Mr. Marnecheck asked about the size/diameter of the cul-de-sac. The applicant responded it meets the City requirements for a standard cul-de-sac. The Mayor stated what they are proposing meets our code. Mr. Marnecheck asked if the basin can be designed to be size one event larger; more than the minimum. The applicant responded the developer would have to be involved in that decision.

The Mayor asked what happens to the existing cul-de-sac. Are plans to saw cut the road or to replace with new concrete. The applicant responded, the cul-de-sac will be removed, extend the 24 ft. roadway through that to put in a new cul-de-sac further over. They are looking to saw cut the existing road where the cul-de-sac starts and tie into that with new concrete. That requires them to coordinate with the neighbors, fix their driveway aprons, and extend it to the new roadway. The area around the apron will be graded, seeded and restored to the way it was. They will have temporary access during construction. Mayor Antoskiewicz said we will need to look at the condition of the road. He wants it new, not saw cut.

The Chair asked the applicant to speak on the wetlands. The applicant responded they have 1.5 acres of wetlands which includes the stream. An environmental company has been out to do a wetlands delineation study. They are waiting on a jurisdictional letter from the Army Corps of Engineers to determine how they will mitigate. There will be large fees for both the EPA and the Army Corps.

The applicant addressed the aesthetics of the homes. He said they can incorporate some of the façade products on the front elevations such as brick, stone and stucco. The four-bedroom homes will be approximately 3600 sq. ft. with a three-car garage. The existing homes are 2400 to 3600 sq. ft.

The Law Director responded to the suggestion regarding money being held in escrow for the maintenance of the basin. He said the law does not provide for that. We cannot require that of the developer at this time. If and when this development is approved, the plat is filed and the dedication is filed, the HOA exists in the person of the developers. That corporate entity then has a fiduciary obligation to provide an escrow for the benefit of the future homeowners. From day one month-by-

month the developer is supposed to be putting aside money in a capital fund for the common property including the detention basin. He asked the City Engineer how much money per month per lot should that be. At the time when the developer turns over the HOA to the four homeowners/purchasers, they also turn over a bank account with sufficient monies in there to give them a head start against the need for the maintenance of the basin down the line. We may need to build that into this equation; how much money per home per lot annually is going to be contributed by the developer until such time as the homes are transferred to the individual homeowners at which point they become responsible for the monthly maintenance fee. The developer's attorney should be involved in this now so they understand what needs to go into the declaration and by-laws. That language can be built into the purchase agreement. The applicant asked for clarification and asked is this only for lot #5 which is the common property.

The Law Director suggested the PC consider as part of its approval process, the creation of the developer's agreement and escrow will be created by the HOA for the purpose of accumulating the funds that are going to be necessary for this purpose on a capital improvement basis three years later, five years later, whatever its going to take. In some cases, when we host the meetings between the developer and the HOA, the developers haven't put aside any money, even though they were operating the HOA under their control as the statute provides, it could possibly be years before they finish all phases of that development and turn the development over to the new owners. In this case, each of whom are very likely to be an officer of this four-unit development. That being the case, the City is going to required that fund be made upfront and made available to the HOA. Typically, that amount is set by the developer.

The Chair asked what are the plans for the wooded area. The applicant responded trees will be removed where there will be grading. They will try to minimize tree removal; making sure the lots are still somewhat treed. The future homeowners should have the ability to enjoy their lot as much as the existing homeowners enjoy their lots. The developer and contractor plans will address dust control noise control, etc. They will have an inspector from Cuyahoga Soil and Water present during construction to be sure the contractors are doing the necessary prevention as needed and will report any deficiencies. The infrastructure improvement including the dry retention should take approximately sixty days to complete. As far as utility interruption, there should be very minimal impact to the neighbors as far as the water. There will be no impact for sanitary because the existing line will remain active through the extension.

The applicant responded to the questions regarding insects in the detention basin. There is a micro pool in the corner of the detention basin that will hold water per EPA standards. It helps collect sediment and silt. When maintenance is required, it would be localized to one small area.

The Law Director stated the lot split is part of the application. The Applicant stated if this moves forward to the next phase they will provide a plat showing the parcels.

Mr. Ranucci asked about the six percent grade on the cul-de-sac, which is steep, and whether that would be a problem for snow removal. The applicant stated it is steep but falls within the requirements of the city slope on streets.

The Law Director said at some point before they return to PC he is hoping to have a meeting with the attorney for the developer. This is not a condition for tonight's vote.

The Chair stated we would like the applicant to consider incorporating the next highest critical storm based on their calculation.

With no further discussion, the Chair asked for a roll call for the **motion to approve preliminary site plan for a proposed subdivision extending off of Sherwood Trail consisting of four buildable lots located at PPN: 489-10-077 in Residential (R1-A) District Zoning. Roll call: Yeas: Four (Ranucci, Marnecheck, Baxendale, Mayor Antoskiewicz). Nays: None. Motion to approve (4-0).**

MISCELLANEOUS:

- The next PC meetings is scheduled for March 8, 2023.

ADJOURNMENT: Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned.

Minutes Transcribed by D.Veverka.

APPROVED: /s/ Eugene Baxendale
Chair

DATE APPROVED: March 8, 2023

ATTEST: /s/ Ian Russell
Planning Commission Secretary