

The **North Royaltown Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **September 6, 2023 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 pm by Chair Gene Baxendale and opened with the Pledge of Allegiance.

**PRESENT:** Planning Commission: Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Marie DeCapite, John Ranucci. Secretary/City Planner: Ian Russell. Administration: Law Director Tom Kelly, City Engineer: Justin Haselton.

## **REGULAR ORDER OF BUSINESS:**

### **Approval of the Minutes:**

**Moved and seconded to approve the minutes of July 6, 2023. Motion carried.**

The Public Hearing portion of meeting called to order. A brief overview of the meeting process was given.

## **PUBLIC HEARING / OPEN MEETING**

### **New Business**

1. **PC23-15:** Russell Sposit, on behalf of CWP Enterprises, LLC., is seeking sketch plan approval for a proposed minor subdivision consisting of 4 buildable single-family lots located off of Harley Hills Drive, also known as PPN: 482-27-001, in Residential (R1-B) district zoning.

Russell Sposit (applicant): Russell Sposit, 8115 Edgerton Road. We would like to build some houses on four lots without going for a variance for a fifth lot.

Chairman Baxendale: Okay, let me ask a question. Is there a somebody from the public here that will want to come up and make comments on this? Please present your plan up on the screen.

Applicant: I have my engineer, Curtis, here. I'd like him to do that for you if you would. Is that all right?

Chairman Baxendale: Ok, you can do that.

Curtis LaBarbera (applicant's engineer): Curtis LaBarbera with Aztec Engineering and Surveying, 154 Parkway Drive in Eastlake. Like Russ was saying, we are working on the north side of Harley Hills. With the amount of acreage there and that zoning district, you're allowed, I think it's like 2.4, I think it is, units per acre. We're at 1.9, so we meet those criteria. The lots are supposed to be 80 feet wide. I think the smallest one is 100 feet wide. The square footage is 15,500 per code, so all the lots meet that. We have the proposed detention basin at the intersection. It's very accessible for both roads, off of York and to Harley Hills and on its own parcel. I drew a rough shape to show that because you're going uphill, all the garages will be on the right-hand side due to it's on the higher side. That's just as a schematic to show roughly where a house would go if somebody purchased a lot and how they wanted to put it.

Chairman Baxendale: Are you going to be building the houses or just selling the lots?

Curtis LaBarbera (applicant's engineer): No, I think that's up to him. We're just doing all the civil plans. So, after today, if it gets approved, then we move forward and do all the designing parts for everything. All the utilities are already there, so there's no proposed utilities, no proposed road. The only thing that is proposed is the detention basin that will handle these four lots. We do propose to put in rear yard drains so every lot has its own drainage and storm connection for each house. The water sewer is on the south side of the road, sanitary is on the north. So, there's no improvements that are proposed for this except for that storm sewer.

Chairman Baxendale: Where does the water go now?

Curtis LaBarbera (applicant's engineer): Right now, it naturally goes straight to York Road. Harley Hills is at the top of the hill. So, no matter, even if we dug out everything else, nothing will go to Harley Hills at all because Harley Hills is higher than what we are at. So, the only thing that's coming down Harley Hills currently will go inside the existing curb inlets that are there now and inside the sewer that's already there that's designed to handle everything on there right now.

Chairman Baxendale: And this will increase the flow going to those?

Curtis LaBarbera (applicant's engineer): No, because as each individual lot gets submitted for their individual site plans, then that engineer at that time will design it to take as much water as possible to the back of each lot. Each lot will probably have its own swales to go down the property lines to the catch basins, which will feed into the proposed detention basin. There will be some that goes to the road as it's just naturally that way. But usually what they try to figure out is roughly at the house setback line. From that point is usually a high point and then you would cut a swale in to take all that water to the back and the house too.

Chairman Baxendale: Okay, let's ask the City Engineer Mr. Haselton to comment on this plan.

City Engineer: The proposed stormwater basin is on its own parcel, as the applicant mentioned. We will need an easement from the right-of-way for the city to have access to that, so that can be shown the next time around. Catch basins are shown on each lot as we require. As he mentioned, all other utilities are in the roadway. One thing we want the applicant to maybe discuss tonight is the HOA, and if you're planning on having your own HOA or joining Harley Hills, we'll want to have any wetlands delineated on this site, so for the next submission, maybe have some more information for that. But I think that's it for me right now. Thank you.

Chairman Baxendale: Very good. Building Department, Mr. Russell.

City Planner: Thank you, Mr. Chair. As the applicant has stated, the density of the proposal meets our code as well as the lot size, lot width, as well as the setbacks that are shown currently. Just a couple comments from us, the homes would need to meet our requirements for dwelling size for the R1-B district, which is 1270.19. The other item is your four-foot sidewalks along Harley Hills Drive. I believe that the idea was that each builder would put in the sidewalks as the lots were sold off and developed. Then there was a question of the existing sidewalks for the Harley Hills development to the east. Currently there's an area of common property that borders the east side of your lot as well as the Harley Hills HOA adjacent. Those sidewalks actually end about 100 feet before reaching the parcel that you plan to develop. So, we would like to see if there would be a way that you could work out making those sidewalks continuous from your proposed development to the existing subdivision to the east. As Mr. Haselton had said, the HOA piece is another question. I know there's a couple items that we've discussed regarding the signage that's existing out on the properties now. If those will be taken down, if those will be put in easement for the current HOA. We'd like to know what your intention is for those. And then the only other comment really is to ensure that that landscape mound that you show on the plans to the west of the basin won't impact driver visibility or anything like that coming out of Harley Hills Drive on to York.

Chairman Baxendale: Very good. Okay, Law Director, Mr. Kelly

Law Director: Thank you, Mr. Chairman. Members of the Commission, I'm looking at the plans, and I've seen them in advance of the meeting. This is a much-improved proposal from what we had heard before and what we understood before as to where the property was going to be significantly denser in terms of the construction. So, on that score, we see the conformity with the minor subdivision rules in a very strong way and in a very positive way.

Chairman Baxendale: Thank you, Mr. Kelly. Mr. Russell, any submittals that need to be read?

City Planner: No, we received nothing from the public for this submittal.

**The Chair opened the Public Hearing portion of the meeting. As there was no public opinion, the Chair closed the public hearing portion of the meeting.**

Russell Sposit (applicant): Okay, I've talked to Tony Severino, who's the only active HOA president in that development. We are discussing the option for him to allow these four homes into the HOA. In exchange for that, I'll put in the 100-foot concrete sidewalk. The difference is it's about close to \$5,000 for the sidewalk vs about \$2,000 to the lawyers to do the HOA. It's more convenient if the HOA does it because they're established. It would just be for the retention area and the sign area. We have recently spoken and he will present it to the HOA Board. Either way, if he decides not to, then we'll do an HOA and we'll take care of it.

Chairman Baxendale: Can you give a commitment tonight that one way or the other that you'd be able to put that 100-foot sidewalk in?

Russell Sposit (applicant): I don't like to give commitments. You know, we're trying to do a leverage thing. I'm very honest with you. I want to get in the HOA because it's easier. I assume that if I don't put the sidewalk in, the normal thing for the city would say you're going to have to connect these sidewalks.

Chairman Baxendale: I would ask the mayor or Mr. Kelly in situations like this in the past, how things have gone forward?

Law Director: Well, Mr. Sposit really has a pretty clear understanding of the law. Mr. Russell's request was just that, a request. We're not in any position to try to pressure you to do something for somebody else, and the property you're talking about belongs to the HOA. I can see how you would want to negotiate with them. You know the feeling of the Commission that, they would very much like to have that sidewalk put in. Just bear that in mind, I guess, in your negotiations with the cluster HOA.

Chairman Baxendale: Okay, let's move on. What are a couple of the other issues that came up that you're ready to address?

Curtis LaBarbera (applicant's engineer): We'll make sure that the mound up front does not block the visibility if you're coming down Harvey Hills so you can turn right or left you can see traffic. Whether it's grass or whether we actually plant trees down there, we'll make sure that the visibility is fine and doesn't block any view or any path.

Law Director: Mr. Chairman. I'm sorry, I have to add something. Mr. Sposit, if you're successful in persuading the HOA to allow you to have these houses join, we would need them also to add an amendment to their declaration and bylaws that would assume the responsibility for the stormwater detention basin and to recognize that as common property. Then to make clear in their documents that they will bear the full, complete, whole, entire responsibility for the maintenance of it. And that their failure to do so could result in the city then having to come in and lien those homes. So, I guess I want you to bear that in mind in terms of your negotiations. I would not recommend to the Commission that they consider approving any development there that didn't provide for the appropriate care and maintenance in perpetuity for that basin.

Curtis LaBarbera (applicant's engineer): I did see in the comments, I think it was from the City Engineer, about the sidewalk on Harley Hills. Nothing was mentioned about sidewalk on York. Does that mean York does not require a sidewalk? Because it was not brought up at all, I want to make sure, because there's no other sidewalks on York. We won't show it unless it is mandatory to do it. We will show Harley Hill so that we intend to make it one continuous walk.

Chairman Baxendale: Mr. Russell? Mr. Mayor?

Mayor Antoskiewicz: I have to think about that one.

Law Director: It's residential property. The whole point of the council's effort for many, many years has been to get those sidewalks built, even if they end up at a dead end or what appears to be it. The theory being that we have the opportunity then to go to the next property owner, in this case Northeast Care, who are your neighbors to the north, and have them put sidewalks in that carry it along.

Mayor Antoskiewicz: I think you're heading in the right direction, because then if you look at your other parcel that at this point, you're not building on, and I don't know what the intention is.

Curtis LaBarbera (applicant's engineer): Right now, there's no intent, we're just worried about the north one for now.

Mayor Antoskiewicz: I understand that, but if you had a sidewalk on York Road then we've closed the gap and I think all you'd have would be Mr. Divots. We would be closing the gap there installing sidewalks.

Chairman Baxendale: The Commission will look very favorably on your adding the sidewalk along York Road.

Mayor Antoskiewicz: The only way we're going to ever get them is if we start.

Russell Sposit (applicant): Yeah, understandable. I'm going to agree to put the sidewalk on York Road if I have to.

Mayor Antoskiewicz: Just a couple things, you know you say you want them to join the HOA. I don't know what the cost difference is and I don't know what they charge right now for HOA fees? I know that coming down Harley Hills, they have a good amount of maintenance work that has to be done there on that creek. I don't know what that cost to four more people to join in would be.

Chairman Baxendale: The one thing I will comment on, other projects that have put in mounds, and we've talked about having sight so people coming out can turn without any problems. Many times, I've seen phone poles or light poles that are there in the way that cause a problem. So, I would ask you to take a look at that when you're placing those phone poles. Not the phone poles the light poles.

Curtis LaBarbera (applicant's engineer): There will be no obstructions proposed. There may be a small bush or something like that, no light pole or anything else that's going to be an obstruction if it's not already currently there.

Mayor Antoskiewicz: I have a few questions with the lots. What is the distance behind these lots? Is it all woods or is this wetland?

Curtis LaBarbera (applicant's engineer): It is woods behind the property.

Mayor Antoskiewicz: Okay, because that brings me to my other thing. I like the fact that you're going to put a catch basin at the corner of everybody's property. What I'm a little bit concerned with is my history of catch basins and swales in the backyards of properties that have woods abutting them. When you put them in the back like that, leaves, branches, everything else a lot harder to maintain to keep that water flowing into those basins and some history shows that swales in the backyards have a tendency to go away after people move in, they want more backyard, is there a way of getting catch basins in the front yard? Because the catch basin gets covered with leaves and branches, can we consider something more of like a beehive. So, if the top gets covered you've still got the sides that that can take the water.

Curtis LaBarbera (applicant's engineer): No. Because if you do put the basins in the front yards, you're going to take all that water from the rear yards. And whoever's on lot one has to take lot two, three, and four and all their water into their property from the back to the front. So, we're not going to design it to clear all the way to the rear property because there's already a 10-foot cable easement back there. Then we're about 10 foot in front of that before we start a 20-foot storm easement. So that storm easement could also be inside the HOA, this one or part of the hills, whoever's in charge of that will also be in charge of maintaining those four basins to make sure they're clear, nothing's in the way of the swindles and the debarment. The beehive design, is a spec out when I design them. I can spec out the type of rim that goes on it. Instead of doing it in the flat grate, they just put a beehive grate on it. Yeah, that's not an issue.

Mayor Antoskiewicz: One thing I know we talked about originally when we rezoned this parcel was the houses. I know you don't have them spec'd out, but is the thought that they look similar to what Harley Hills looks like? Because I think that was part of what we talked about that it would look like the existing development.

Curtis LaBarbera (applicant's engineer): That was the original plan when we tried to match the lot sizes with Harley Hills, so that way it's all uniform going down. Because of the density, we got rejected for the lots that we proposed in the beginning. Now, if somebody buys the lot, all they have to do is meet the required square footage for that house in that R1-B district. So, are they going to match? It's up to whoever buys the lots because we're not doing clusters like the Harley Hills that what we originally proposed to do to get I think it was like 14 or 15 lots out of there that got rejected.

Law Director: I think what the Mayor is saying is that at least for his point of view and I'm hopeful that the Commission would agree with him and they might, they want them to be uniform. There is an architectural component to this experience and these four houses are the entranceway essentially to the clusters and the clusters all have a uniform appearance.

Curtis LaBarbera (applicant's engineer): That would be another thing when Russ talks with HOA and say if you want, because if this is not part of Harley Hills, then you're restricting his subdivision for another subdivision. I understand your point, you want an all uniform going on the street. But if when he talks to the HOA and says, okay, we've got a 100-foot sidewalk. Now, if you're going to restrict me to build houses on here to look like your guys' houses, then I think that it should be part of your Homeowner Association to be part of this because now you are restricting the buyers to the Harley Hills styles.

Law Director: The community at large is invested in having their uniform appearance so regardless of whether you're part of the HOA or you have to form your own HOA, there's still a sense here that architecturally there would be a value to the community. I don't think anybody's expecting 100% uniformity but at least in the same vein not to have a tudor next to a ranch next to a colonial.

Russell Sposit (applicant): Isn't there an Architectural Review Board for every house that's built?

Mayor Antoskiewicz: Not anymore. It was broken up.

Law Director: The function of the Architectural Review Board is given to this Commission.

Chairman Baxendale: We can ask that that stipulation be included as part of the sketch plan. At later times when they come through for other approvals, then we can get a little bit more defined on what it is that they're proposing, then that'll go towards final plan approval.

Law Director: That's fair. The other thing, if I can, Mr. Chairman, I heard somebody say that the catch basins in the back could be placed under the auspices of the HOA for maintenance. No, that won't fly. because they're not on common property, they're not part of the common property. They're on individual lots that will be owned by the individual homeowners. So, the maintenance responsibility for that in the deeds has to be reflective of the individual owner's duties.

City Planner: I wanted to clarify the process since this is a minor subdivision. If you receive sketch for approval tonight, we don't do a prelim approval for these unless the board deems that it's required. So, next would be final site plan and then again as it's a minor you wouldn't come back for any kind of plat approval that would all be done administratively at that point. So just to be clear to the board, if you wanted to make conditions on the approval, you could do that at the next phase which would be final if you didn't want to do it tonight.

Curtis LaBarbera (applicant's engineer): And that's the full submittal of the whole design, correct?

City Planner: Correct.

Chairman Baxendale: With the items we're talking about, it seems like there's sufficient concern that maybe we ought to have the preliminary also before going to final.

Mayor Antoskiewicz: It sounds to me like he's going to sell all four lots, possibly to four different builders?

Russell Sposit (applicant): It could be.

Mayor Antoskiewicz: Okay. Would we be able to have a presentation on house designs for final.

City Planner: Could that requirement be included in the HOA documentation that he would have to submit?

Law Director: I don't know that I've ever seen it in the HOA documents. It more likely would be incorporated into the plat and the suggested design. I don't know if you've seen that where the people, the architects attach a proposed housing appearance or I don't know what you call it, what do you call it, Ms. DeCapite?

Ms. DeCapite: Not a template, but like a proposed design criteria. Design Standards.

Law Director: Thank you. Design standards. We'd like to have that incorporated into your application process here so that everybody has an idea that we are not going to get the tudor, the ranch, the colonial and the bungalow all next to one another. And if you sell the lots off, Mr. Sposit, whoever buys the lot buys a lot and builds whatever they want to build.

Russell Sposit (applicant): Well, it was my understanding that they would buy a lot, and at some point, they're going to go to the building department with their set of plans, and they're going to say, well, you have to do this.

Law Director: When they come in to the building department if there are no clear design criteria already incorporated into the approval process, then and the design is otherwise in accord with our ordinances. They can force us to give them the building permit. In which case then, which lot gets the bungalow, you tell me.

Curtis LaBarbera (applicant's engineer): Can he have it where in whatever he writes the Homeowner Association or for these lots that we may sell, that it says any future buyer of these lots have to match the aesthetics of Harley Hills HOA.

Chairman Baxendale: That's where the design criteria come in. If you set up that criteria to say, it's going to have to be this type of design, then they know.

**There was an open discussion on the design criteria the city would like to see in the four lots leading in to the Harley Hills HOA. It was agreed by all parties that Russell Sposit (applicant) and Curtis LaBarbera (applicant's engineer) will have a set of design criteria at a final hearing.**

Mr. Marnecheck: If for some reason they wanted to, could they still come for preliminary? If as they're going through and need to get a little more guidance.

City Planner: I don't think there's anything precluding you if, for instance, you get down the line and you're caught on something and you have your design criteria and you wanted to present that to the board. I don't think there would be anything on our end that would stop us from saying come in for prelim and Mr. Kelly had kind of alluded to potentially recommending that, and again, it's your choice. But it might not be a bad idea to consider letting us know where you're at with the HOA, letting us know your plan, showing us potentially an early draft of your design criteria. Along with that some photos of the existing homes on Harley Hills would be helpful for us as well. I did have one more question just for you, Mr. Kelly. We've had other questions come up in other minor subdivisions where if they were to receive final site plan approval, do they also need to submit for the lot split through us, or could that be done totally administratively at that point?

Law Director: It is done administratively anymore. Mr. Haselton does it at his desk.

**With no further discussion, the Chair asked for a motion to approve the application for sketch plan. Mr. Marnecheck made a motion to approve the application, seconded by Ms. DeCapite.**

**Roll call: Yeas: Five (Baxendale, Antoskiewicz, DeCapite, Rannuci, Marnecheck) Nays: None. Motion approved (5-0).**

- The next Planning Commission meeting is scheduled for **October 4, 2023**.

**ADJOURNMENT:** Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned at 8:02 pm.

*Minutes Transcribed by T.Antal.*

APPROVED: /s/ Eugene Baxendale  
Chair

DATE APPROVED: October 4, 2023

ATTEST: /s/ Ian Russell  
Planning Commission Secretary