

## **Planning Commission Caucus of April 7, 2010**

The North Royalton Planning Commission Caucus was held on Wednesday, April 7, 2010, and started at 7:00 PM

Present: Mayor Robert Stefanik, Chairman Tony Sandora, Don Willey, Victor Bull, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Tom Kelly, Councilman, Larry Antoskiewicz, John Reyes, Fred Loschiavo, Nick Cinquepalmi.

Secretary Julie Broestl

Planning Commission Agenda Reviewed.

Public Hearing

Call to order.

Roll call.

Opening Ceremony – Pledge of Allegiance.

Public Hearing

Maria Gardens/John Reyes and Tim Stopper, 10301 West 130<sup>th</sup> Street, PPN 481-19-002. Local Business Zoned area. Site Plan approval for a 40' x 72' storage building.

Presentation by John Reyes.

Motion and a second to move to the regular order of business.

Tony Maloney's Pub & Pizza / Fred Loschiavo and Sam Petro, 9369 Sprague Road. PPN: 482-01-001. General Business Zoned area. Site Plan approval for an outdoor patio enclosure addition.

Presentation by Fred Loschiavo and Tony Maloney.

Motion and a second to move to the regular order of business.

Need a Motion and a second to adjourn to the Open Meeting.

Regular Meeting

Call meeting to order

Roll call

Approval of minutes of April 7, 2010.

Old Business

Woodcroft Glen, Royalton Road, Woodcroft Glen Phase 2 Final Plat approval. Tabled. No action.

Frank and Theresa Popovich, 9973 Road, Site Plan approval for parking lot addition for Sprague Road Tavern. Tabled. No action.

New Business

Maria Gardens / John Reyes and Tim Stopper, 10301 West 130<sup>th</sup> Street.

PPN: 481-19-002. Local Business Zoned area. Site Plan approval for an outdoor patio enclosure addition. Motion and a second to approve.

Tony Maloney's Pub & Pizza / Fred Loschiavo and Sam Petro, 9369 Sprague Road. PPN: 482-01-001. General Business Zoned area. Site Plan approval for an outdoor patio enclosure addition. Motion and a second to approve.

Miscellaneous

Motion and a second to adjourn the Planning Commission meeting of April 7, 2010.

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road** on **Wednesday, April 7, 2010**, to conduct a **Public Hearing**. The **Planning Commission Public Hearing** was called to order by **Chairman Tony Sandora** at **7:30 P.M.**

Chairman Sandora: Good evening ladies and gentlemen, welcome to the North Royalton Planning Commission meeting for Wednesday, April 7, 2010. This is the Public Hearing portion. Mrs. Broestl, please call the roll.

**Present: Mayor Robert Stefanik, Chairman Sandora, Councilman Don Willey Victor Bull, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Thomas Kelly, Secretary Julie Broestl.**

Chairman Sandora: Motion and a second to excuse Mike McCarthy for cause.

Moved by Don Willey, seconded by Mayor Stefanik to **excuse Mike McCarthy for cause.**

Chairman Sandora: Motion and a second to excuse Mike McCarthy for cause. Mrs. Broestl, please call the roll.

Victor Bull:	Yes.
Don Willey:	Yes.
Mayor Stefanik:	Yes.
Chairman Sandora:	Yes.

**Yeas - all. Nays - none.**  
**Motion carried. (4-0)**

Chairman Sandora: Please stand for the Opening Ceremony, the Pledge of Allegiance.

Pledge of Allegiance was recited.

#### **Public Hearing:**

**Maria Gardens / John Reyes and Tim Stopper, 103s01 West 130<sup>th</sup> Street.**  
PPN: 481-19-002. Local Business Zoned area. **Site Plan approval for a proposed 40' x 72' storage building outdoor patio enclosure addition.**

Public Hearing notices were sent to the required property owners and posted. The Chairman will recognize anyone in the audience wishing to be heard, please step up to the microphone.

Chairman Sandora: The applicant is here. Step forward and state your name and address for the record and tell us what you would like to do.

John Reyes approached the microphone.

Mr. Reyes: My name is Reyes and my address is 216 Montana Avenue, Lorain. I am the architect and I am representing Mr. Stopper. What we would like to do here is put an addition onto the existing retail garden building approximately 2800 square feet and it is not so much a storage building but an extension of the retail area partly in this new structure where they would have goods and other things that they commonly sell at Maria Gardens. The other part of it is more of a preparatory area, where they put some soil and potted plants and things like

that. Things that would go out to sell in the general area. So, it is not really a storage building. With that building we are also intending to extend the décor of what the existing building is now with the stained wood siding, to the side there, and match the shingles and that would primarily be the extent of what we would do.

Chairman Sandora: Thank you. Anyone else in the audience wishing to add comments on this?

Jim Rymut approached the microphone.

Chairman Sandora: Step up to the microphone and state your name and address and say what you want to say.

Mr. Rymut: My name is Jim Rymut. I live at 10455 West 130<sup>th</sup>, two doors down from Maria Gardens and I have some questions in regards to what the building is for. He stated that he wanted to increase the sales area, well when this last expansion went on the sales area, they were already short of parking spaces for the size of the sales area there. So, are there any increasing in parking area to go along with this? The other problem is storage. We were hoping this would be more of a storage area because for the last umpteen years, ever since this place has been there, they store stuff everywhere. My main concern is right along the fence that adjoins the residential area and it is filled up with fertilizers, up to the top of the fence and all the way down. The Ordinances state that they should have an open yard there, since it is a small yard next to the residential, but it is used as a storage area. So, I was hoping that that would be addressed if that was going to be a storage area. Secondly, since you are the architect, when I went to look at the plans, I noticed that on the east side of the lot you have in there asphalt. That is what it should be, but it has never been asphalt, its been gravel. Before we go on another expansion, why can't we bring this thing up to settle some of these problems that we have been living with and that is my main complaint there. Thank you.

Chairman Sandora: Anybody else in the audience have anything?

Mr. Gary Dennison approached the microphone.

Mr. Dennison: My name is Gary Dennison. I live about 80-feet from Maria Gardens to the east.

Chairman Sandora: What is your address sir?

Mr. Dennison: 12725 Albion Road. This paper I have here is from 12789 Albion, which is directly next store to the east side of the street on Albion. It is Patty and Bill Dobbins. They are out of town on business and they wrote up a letter and I would like to hand it in or should I read it, it's two pages and I will reads it. One of his main concerns is the height of the building, how high is it going to be, which we couldn't find on the blue print. We found out the location on the blue print, that was another of his question. Another is the drainage from the roof. Right now his yard is a swamp. They turn on the sprinklers on the side of the fence, which borders his property and you could take a shower any night of the week when it's warm. Where is all this water going to go from this building? That's about it from him. What should we do, file these?

Chairman Sandora: You can present them, but let me ask you this question, have they been notarized?

Mr. Dennison: Yes.

Chairman Sandora: They have been? Then okay. After you read the other one then you can submit them to the secretary and they will be entered into the record.

Mr. Dennison: Okay. My name is Gary Dennison and I live 80-feet from Maria Gardens, next to Bill and Patty Dobbins, which is the next house over. One of my questions was how high is the building going to be? Where is the building going to be? Which I already know. What was the purpose of the building? I was hoping it would be storage. I have no problem if they build a building that big and put all the junk that they got blowing over in my yard. If you come by my yard and look at it, I have a 55-gallon drum I have in the back with Maria Gardens tags on it. Empty potted plants, plastic, a lot of it has there name on it. I was hoping that they would put them pallets some where, hide them and put them in a building and get them off the property line. I don't think that they are supposed to be there to begin with. They are on gravel not on asphalt like the prints say. The other question that I have is where is the water going to go from the building and what kind of drainage. I have no problem with them building a building, just as long as they do it according to the City Codes, and what is suppose to be done. I would like to have them use it as storage and not sales. I think that they have enough people walking around that parking lot now during the day when the windows are open in the house and it is summer time it sounds like they are having a convention going on over there. Especially with the loud speaker going on calling people pertaining to find people working on their property. That's about it. Who do I present this to?

Chairman Sandora: Thank you. Just bring them up here.

Mr. Dennison approached the bench and gave the papers to the secretary.

Chairman Sandora: Sir, do you want to come back up to the microphone?

Mr. Reyes approached the microphone.

Chairman Sandora: Can you address some of those questions?

Mr. Reyes: I will try with the best of my ability. As far as the expansion of the retail area, it is more to get the larger bagged items, possibly from outside. I can't talk to his total sales, but bringing some of those things into that part is not like they are opening up more sales of little tiny plants or anything like that. It is more for the bagged fertilizer and things of that nature and larger bulked items into that area from the outside. The height of the building really following the line of this building, we have it showing as 14-foot eve height, which is basically the gutter height. At the very peak it is 21-feet high, so it is no higher than what is existing right now. The roof drainage of that would be putting in downspouts and take it to the existing storm line, catch basin in the area that we are going to have to work on, and that will take it into that storm system. As for some of the other things, storage along the fence line, things of that nature, I can't address those issues. I don't know.

Chairman Sandora: Thank you. Anybody else have any other questions?

Councilman Larry Antoskiewicz approached the microphone.

Mr. Antoskiewicz: Larry Antoskiewicz, Councilman ward 5. I just want to state that since I have been on council, Maria Gardens has always been an issue. I think that it goes back to maybe some of the things he has done in the past. I do know with the Dobbins, we had an issue last year. I think that Maria Gardens did finally address the fence. The fence was falling over into their yard, I think that they did fix that. I think that one of the problems is when they put up their hanging plants and put it on that end of their facility and when they go and water that and you get the wind all that water sprays into the Dobbins yard. As well as the other continuous issue that has always been, where they store their loose fertilizer, much, and other things, my understanding was that they were suppose to be covered. They are consistently not covered, and with the wind the dust blows into those yards and when they sit in their backyards it gets to them. The other two residents brought it up was the storage factor. This time of year they bring in pallets and pallets of mulch and they store them along those back lines. He already had a variance which minimized the setback to the side yard as it was, and then they go and store pallets of mulch along that back. So, they are right up against that fence line, right up against a residential neighborhood. Those are some of the issues. With another building, I guess the concern of the residents that I hear from, is with another building you are going to have fewer places now to put even more and more pallets and storage. Those are just some of the concerns that I have.

Chairman Sandora: thank you. Anybody else have anything? I need a motion to move to the regular order of business.

Moved by Don Willey, seconded by Mayor Stefanik, **to move Maria Gardens to the regular order of business.**

Chairman Sandora: It has been moved and seconded to place this into the regular order of business. Mrs. Broestl, please call the roll.

Victor Bull:	Yes
Mayor Stefanik:	Yes
Don Willey:	Yes
Chairman Sandora:	Yes

**Yeas - all. Nays - none.**  
**Motion carried. (4-0)**

**Tony Maloney's Pub & Pizza / Fred Loschiavo and Sam Petro, 9369 Sprague Road, PPN: 482-01-001. General Business Zoned area. Site Plan approval for an outdoor patio enclosure addition.**

Public Hearing notices were sent to the required property owners and posted. The Chairman will recognize anyone wishing to be heard please come up to the microphone.

Chairman Sandora: The applicant is here, please step forward State your name and address for the record and tell us what you would like to do.

Fred Loschiavo approached the microphone.

Mr. Loschiavo: My name is Fred Loschiavo and my address is 5387 Huntington Reserve. We wish to add an extension onto our patio following the same pattern of brick work and we are actually going to extend the roof line out so that we have somewhat of an enclosure and then put garage doors on both

the west and the north side of the walls so that we can open it open and have it flow into the rest of the patio. That's it.

Chairman Sandora: Anyone in the audience have anything that they would like to talk about? Nobody? Make a motion and refer this to the regular order of business.

Moved by moved by Mayor Stefanik, seconded by Victor Bull, **to refer Tony Maloney's to the regular order of business.**

Chairman Sandora: It has been moved and seconded to refer this to the regular order of business. Mrs. Broestl, please call the roll.

Don Willey:	Yes
Victor Bull:	Yes
Mayor Stefanik:	Yes
Chairman Sandora:	Yes

**Yeas - all. Nays - none.**  
**Motion carried. (4-0)**

Chairman Sandora: Thank you. You can sit down.

Adjourned Public Hearing

The **Planning Commission** of the **City of North Royalton** met in the **North Royalton Council Chambers, 13834 Ridge Road** on **Wednesday, April 7, 2010**, to conduct an **Open Meeting**. The **Planning Commission Open Meeting** was called to order by **Chairman Tony Sandora** at **7:45 P.M.**

Chairman Sandora: This is the Regular Meeting of the North Royalton Planning Commission. Mrs. Broestl, please call the roll.

**Present: Mayor Robert Stefanik, Chairman Sandora, Councilman Don Willey Victor Bull, City Engineer Mark Schmitzer, Building Commissioner Rito Alvarez, Law Director Thomas Kelly, Secretary Julie Broestl.**

Chairman Sandora: Motion and a second to excuse Mike McCarthy for cause.

Moved by Mayor Stefanik, second by Don Willey to **excuse Mike McCarthy for cause.**

Chairman Sandora: Motion and a second to excuse Mike McCarthy for cause. Mrs. Broestl, please call the roll.

Victor Bull: Yes.  
Don Willey: Yes.  
Mayor Stefanik: Yes.  
Chairman Sandora: Yes.

**Yeas - all. Nays - none.**  
**Motion carried. (4-0)**

Mrs. Broestl: I need a motion and a second to approve the minutes of March 24, 2010, if you so choose.

Moved by Don Willey, seconded by Victor Bull, **to approve the minutes of March 24, 2010.**

Chairman Sandora: It has been moved and seconded to approve the minutes of March 24, 2010. Mrs. Broestl, please call the roll.

Don Willey: Yes  
Victor Bull: Yes  
Mayor Stefanik: Yes  
Chairman Sandora: Yes

**Yeas - all. Nays - none.**  
**Minutes approved. (4-0)**

Mrs. Broestl: Under old business.

Woodcroft Glen, Royalton Road, Phase II, final Plat Plan approval. Tabled and their will be no action.

Frank and Theresa Popovich, 9973 Sprague Road, PPN: 481-09-015. General Business Zoned area. Site Plan Approval for parking lot addition for Sprague Road Tavern. This is tabled. I need a motion and a second to remove from the table.

Chairman Sandora: Is the applicant here? The applicant is here we need a motion to remove from the table.

Moved by Don Willey, seconded by Mayor Stefanik, **to remove Frank and Theresa Popovich, 9973 Sprague Road from the table.**

Chairman Sandora: I have a motion and a second to remove Frank and Theresa Popovich from the table. Mrs. Broestl, please call the roll.

Victor Bull:	Yes
Mayor Stefanik:	Yes
Don Willey:	Yes
Chairman Sandora:	Yes

**Yeas - all. Nays - none.**

**Motion carried. (4-0)**

Chairman Sandora: The applicant is here, could you please step up to the microphone and give us your name and address and tell us what you would like to do.

Mr. Frank Popovich approached the microphone.

Mr. Popovich: My name is Frank Popovich, 10025 Delsy Drive. According to the plans we revised from last month, we cut one spot off the front and got the setbacks right. I got a couple of questions once you are done.

Chairman Sandora: Once we are done with you.

Laughter from the audience.

Chairman Sandora: Mr. Schmitzer?

Mark Schmitzer: Thank you Mr. Chairman. In review of the revised plan, most of the comments we originally had have been addressed. We worked with the applicant's consultant, Dalia, in getting these items addressed. There are a few items that still need to be addressed or discussed, I should say. Illumination of the parking lot. I know that the Building Commissioner had mentioned that in his report. I heard some discussion about ways of doing it. I would like to hear from the applicant on how he is going to illuminate that parking lot.

Mr. Popovich: As you are looking at the house, it would be the front left corner. That would be next to the driveway. He said in the final plans that he is going to put a light there that would shoot the front. It wouldn't go into the neighbors and it wouldn't go towards the street.

Mark Schmitzer: How would you light up the rear parking spaces back there?

Mr. Popovich: There is a flag pole on the garage that isn't being used. I was thinking of using that and shoot a light down from the garage. The neighbor next store has like an orange light on all night, but it is low intensity. For the two parking spaces back there I'm not sure if I want to put a flood light back there. I was just thinking of lighting it up enough to show the two parking spots without being offensive.

Mark Schmitzer: Okay. The light that you are referring to is probably a low sodium-light, the ones you see most anywhere. That is something that we can address in the final planning development. Other than that you are eating up a

lot of green space with asphalt, how do you plan on dealing with the grass area gone and now you have impervious area with storm water management?

Mr. Popovich: Dalia said that there is one downspout on the back of the house and the garage isn't guttered at all, it just run wild on the ground. So, we were going to gutter the garage, and the one downspout and put them all together and put a catch basin. If the house is here and the garage is here, somewhere over here, okay. Then run that down toward the front with another catch basin, and there are two downspouts on the house, and run both those downspouts to that big catch basin and run the whole thing to the street.

Mark Schmitzer: Okay. The reason I asked is because I didn't see anything on the plans.

Mr. Popovich: He wrote something on there that said he would do all that on the final plan that he shows there in the left hand side.

Mark Schmitzer: It's a very general note that says drainage and grading will be provided. How much, or how little, will be provided. That's my concern. I just wanted to bring that up. Other than that Mr. Chairman, I have nothing else.

Chairman Sandora: Thank you. I have a question for the applicant. Now, this is just for 9973 Sprague Road. This has nothing to do with the Tavern what so ever?

Mr. Popovich: Correct.

Chairman Sandora: If this is approved tonight, you do understand that?

Mr. Popovich: Yes.

Chairman Sandora: Basically, what are you going to use this parking lot for? Are you going to turn that house into some other business or is this lot going to be used for overflow parking for the bar?

Mr. Popovich: I was hoping to do both. I was figuring that tiny little house, anything that goes in there is going to be a day time job probably. It isn't going to be easy to rent out right now. Down the road, if I could get an accountant or insurance man, and say he is working 9:00 to 5:00 and once he leaves, at least you have six or seven more spaces that they could use and then keep that out of Evelyn's yard.

Chairman Sandora: Basically, that's your thought process. You have no time or dates to combine the two parcels? You are going to keep it as separate parcels right?

Mr. Popovich: No, I would like to but I can't. You can only do so much. Ideally if there was more room there, I would like to bring everything up to Code and put it all together and put it under one number, okay. That isn't going to happen. Just because of what you see there.

Chairman Sandora: Okay. Mr. Alvarez, do you have anything?

Rito Alvarez: Thank you Mr. Chairman. The City Engineer basically addressed most of my comments. I would however add that we would need the details to that proposed handicapped ramp.

Mr. Popovich: Yes. I wanted to talk to you about that.

Rito Alvarez: You can see me after the meeting.

Mr. Popovich: I don't know if I'm getting the right advice from this guy or not. He's a decent guy but, the old man that lived there; he had a ramp in the back. We measured it and it was 15-feet long and it went up three feet up to the door. So, I said, we can put it right there again, because they took it out when he died. Dahlia says; 'no, no, no, you can't do that, the grade is too steep.' What do you mean the grade is too steep, the old man has been using it for 15-years. Alright, so he says 'no you can only drop 4-foot for every 50-feet. So, I then found one of those lifters. It was brand new. The guy died before they could have put it in. It was still in a create. \$3,000. I was going to give the guy for it. Dahlia said 'glade you didn't buy it, you can't do that'. I said 'what do you mean I can't do it, I see them all the time'. Dahlia said that that's a residential house. He said that if I get one of those wheelchair lifters, cause it is going to be a business, you will have to have emergency generators, you gotta have this, you gotta have that, and I said why? He said, what if the power goes on. I go, my wife might put rat poisonings in my soup tomorrow, but I'm not worried about it. Come on! The power goes out once a year and it might go out at midnight, and I can't put this lift. So, then he devises this thing and I looked at it and I go, 'do you realize that this thing is going to go into Walgreen's parking lot?' Jesus! I said how long does it have to be? He said only 35 or 40 feet. Did you look at this thing? That's a tiny little bungalow and this thing is going to be like the Great Wall of China going half way down to Parma. This is insanity!

Chairman Sandora: Well, this will have to be worked out.

Rito Alvarez : Bare in mind, this is not a house anymore this is a place of business that we are looking at. I will be glad to meet with you and your designer in my office and we can discuss the elevators or whatever you need to talk about,

Mr. Popovich: I told him to let me make it out of papier-mâché and spray paint because no one is ever going to use it anyways.

Rito Alvarez: That was my only comment.

Chairman Sandora: Thank you Mr. Alvarez. Anybody else on the Board Wishing to say something?

Don Willey: Mr. Chairman. In mentioning the light, you are going to try and rig something up on the flag pole in the back.

Mr. Popovich: If that don't work I will stick it right on the garage like the guy next store , it's the sodium light. It's not a big space back there and I don't think you would want a big light.

Don Willey: Between the front and the back, are you going to have that lighted also for safety at night?

Mr. Popovich: This is not on the plans, but here is what I'm planning on doing with that. There is a big old satellite dish handing on that bar from thirty years ago, I'm going to saw that thing off a little higher than the roof line and than I can put two lights on there and shoot them down on the driveway and the bar can pay that bill.

Don Willey; Thank you Mr. Chairman.

Chairman Sandora: Thank you Mr. Willey. You do realize that whatever you do over there with those lights that they do have to be hooded and arranged so that it doesn't interfere with any neighboring properties. You can't just go up there and put anything. You are going to have to meet the Codes that are required.

Mr. Popovich: Well if Dahlia designs the lights like he did this wheelchair ramp, I am going to have better lights than at the Cleveland Indians stadium.

Chairman Sandora: Irregardless of who designs it, it is going to have to meet the requirements of the Building Codes.

Mr. Popovich I'm not trying to give you a hard time or nothing. It's just a six space parking lot. It's like I am building the pyramids.

Chairman Sandora: It changes from Residential to Commercial then you have to bring it up to the commercial Codes. It's as simple as that.

Mr. Kelly: Mr. Chairman.

Chairman Sandora: Mr. Kelly.

Mr. Kelly: I just want to make a suggestion. Mr. Popovich, it's plane that you are making a great effort here to try to meet the Codes and Do everything you need to do within reason, but there are some things that plainly need to be addressed in plans that are not in the plans. Mr. Chairman, I recommend that Mr. Popovich go back and work with Mr. Dahlia and the Engineer and Mr. Alvarez, and try to come back again at the next meeting.

Chairman Sandora: Are you suggesting that we table this?

Mr. Kelly: I think that would be wise, Mr. Chairman. Bearing in mind all the things that have yet to be addressed here.

Mr. Popovich: Do you want the finals, would that be better to see? This guy keeps making this little plan saying I don't want to cost you too much money. By the time he makes me 35 of these little plans I might as well have just gotten the final one and brought it to you. What do I know!

Chairman Sandora: Do I have a motion to table?

Moved by Don Willey, seconded by Victor Bull, to table **Frank and Theresa Popovich, 9973 Sprague Road.**

Chairman Sandora: It has been moved and second to table 9973 Sprague Road. Mrs. Broestl, please call the roll.

Don Willey:	Yes
Victor Bull:	Yes
Mayor Stefanik:	Yes
Chairman Sandora:	Yes

**Yeas - all. Nays - none.**  
**Approval Tabled. (4-0)**

Chairman Sandora: It's tabled. Get a hold of your architect and planner and maybe sit down, all of you, and work things out. Maybe get it back to us.

Mr. Popovich: You're a nice guy, but I hope I don't see you when the snow is flying. Thanks.

Mrs. Broestl: Under new business.

**Maria Gardens / John Reyes and Tim Stopper, 103s01 West 130<sup>th</sup> Street.  
PPN: 481-19-002. Local Business Zoned area. Site Plan approval for a proposed  
40' x 72' storage building outdoor patio enclosure addition.**

Chairman Sandora: The applicant is here. Please step forward again and state your name for the record.

John Reyes approached the microphone.

Mr. Reyes: My name is John Reyes, 216 Montana Avenue, Lorain. I don't know if I can follow that up quite as well, but as stated before, we are proposing an addition to the existing garden retail building, approximately 2800 square feet. It will be an extension of some of our retail items and some preparatory area in that structure as well.

Chairman Sandora: Okay. Thank you. Mr. Alvarez do you have anything on this?

Rito Alvarez: Thank you Mr. Chairman. The only comment I do have if upon approval, if it is approved or tabled, when it 's approved, that you are to submit four sets of plans for the Building Department preview per Ohio Building Code. I realize there are some comments about sprinklers, but that is under the Building Code as well. No further comments Mr. Chairman.

Chairman Sandora: So, Mr. Alvarez, you are saying with the fire department requesting the extension of the sprinkler system you will handle that when

Rito Alvarez: Mr. Chairman, when the former plans are submitted to the Building Department, we do have to look not only at the addition but the total area of the main building in the addition. I know that building right now has a sprinkler system in there. And most likely they will have to have a sprinkler system. But I don't like to bring that up to this commission.

Chairman Sandora: I understand. All I'm saying is that when he comes with his final plans that you will deal with it?

Rito Alvarez: Absolutely sir.

Chairman Sandora: Okay. Thank you. Mr. Schmitzer?

Mark Schmitzer: Yes Mr. Chairman. The comments I have are regarding tying in the downspouts that you already stated you would. Make sure that they are tied into the existing storm system that drains the existing storm water management system on site. We don't allow day lighting of those. Splash block or anything. The other comment I have is that there are some existing sewers that are going to have to be adjusted because they are going to be on top of the existing sewer. The building will be on top of the existing sewers, so that sewer will have to be somewhat adjusted for not necessarily will effect the

building or the structure being proposed, I think it's more of a maintenance issue for Maria Gardens that probably rerouting it while you are doing the foundation for the building would actually be easier than building around the sewers themselves.

Mr. Reyes: That may be a true case, and we will take a look at that, Obviously, when we take up the concrete for the area. it is a poll barn type structure where it has the post go down instead of concrete foundation that goes around would bi-sec any the storm lines so the likelihood of post-missing those, but we will take a look again at the existing system and make sure that its working properly and reroute it if necessary.

Mark Schmitzer: Okay. That's all I have Mr. Chairman.

Chairman Sandora: Thank you Mr. Schmitzer. Mr. Schmitzer, with the building of this addition is the storm water going to be handled properly? Is it going to cause any problems or alleviate any problems?

Mark Schmitzer: I can't say without having calculations submitted to me to say for certain. Based on the size of the proposed building and the impervious area is currently on that area we are replacing with impervious with impervious. We are not actually adding any additional storm water to run off and go wild. During the final plan submittal we will be looking at that. A good part of our Code is storm water management. If anything it may require a small tweak to the pond. Meaning the control structure may have to be adjusted. Which is typically down with the pipe system.

Chairman Sandora: Okay. Mr. Alvarez. The applicant stated the height of this would match the existing building, so there is no problem with the height?

Rito Alvarez: No, the height is fine as far as the zoning.

Chairman Sandora: Anyone on the Board have anything?

Don Willey: Mr. Chairman.

Chairman Sandora: Mr. Willey.

Mr. Willey: I have a couple of comments and it is unfortunate that the owner is not here tonight because our residents mentioned, this didn't just happen with our recent council. This has gone on for a number of years. The dust, the uncovered mulch, and so forth. Today, in the landscaping business the mulch is being used more and more, fortunately prosperity of the people that are buying it. I would like to see somehow, Mr. Chairman, and fellow members of the commission, these old issues be addressed. Because, the next time you come up here, I am sure our two gentlemen in the back are going to be beating on the door and it is the same darn problems that have been going on and on, and I think they need to be addressed. The other thing is the paving of the parking lot. It was suppose to be asphalt. Mr. Schmitzer, is that an issue that should be addressed with this?

Mark Schmitzer: Mr. Willey, I don't know what was agreed upon when Maria Gardens came through the first time with their original site plan. Was asphalt supposed to be there or were they given a variance, I would have to look into that matter and let you know.

Don Willey: Thank you. They are going to have to get rid of the water anyways. But if you would bring this back to your clients. I would like to see this issue taken care of once and for all. It's been going on for a ton of years. Thank you.

John Reyes: Thank You. I will address it with the owner.

Don Willey: Thank you. Thank you Mr. Chairman.

Mayor Stefanik: Mr. Chairman.

Chairman Sandora: Mayor.

Mayor Stefanik: The residents also brought up another point on the parking. If there is enough parking spaces. It looks like there is a ton of spaces on there. Was that taken into consideration with this?

Rito Alvarez: Mayor. Again, we really didn't have to look at the total number of parking spaces, because the area that we are talking about is 2800 square feet and that is very minor, very small. If we were talking about the amount of parking spaces needed and looked at the plans it is very minimal.

Mayor Stefanik: Also, Mr. Chairman, if the residents could get together a list for their Councilman and what we did, a couple years ago, Mr. Rymut, Larry and I went over to them and addressed some of these issues and at that time they did move some things away from the fence. But, if we have to go over there again that would be no problem what so ever. We will go over there personally and talk to them and make sure that they continue to be good neighbors. Fair enough?

Audience says sure.

Chairman Sandora: Mayor. I would like to ask a question though. Maria Gardens hasn't been before us for a couple of years. And if these incidents have been a continuing problem, where are the complaints? Larry, have you gotten complaints constantly from these gentlemen?

Larry Antoskiewicz from the audience, I get them seasonally.

Chairman Sandora: Come up to the microphone so it is on the record.

Larry Antoskiewicz approached the microphone.

Larry Antoskiewicz: This is the time of the season when this starts to happen. They bring in the loads of mulch and everything else. They put everything all over the place. They put it all in the bins and sometimes don't cover the bins. Winter isn't when I get the complaints.

Chairman Sandora: I know. I'm just trying to get a record here of what has been happening in the past, because it seems like nothing comes before us until they want to do an addition and everything comes out of the woodwork. If this is happening on a constant basis, like Mr. Willey said, or these gentlemen are saying, how many times did they call the Building Department? Why isn't our Zoning Inspector called and issuing citations?

Mayor Stefanik: Mr. Chairman. We have been taking care of it through the years when Mr. Rymut gets a hold of us, we take care of it. We understands

some businesses in the city push the envelope in the City and we try to find that fine line to not hurt the businesses and not hurt the residents, and I think it worked a couple of years ago when I went and talked to them. I said, I have no problem with going out with the Councilman or even sending out the Building Commissioner out there to correct the problem.

Larry Antoskiewicz: What has happened in the past when I have gotten the complaints, I forwarded it to the Building Department and they did go out there and they talked with Mr. Stopper and it goes away for a little bit and then it comes back again. It's not consistent. You say something about it, they stop it, and then it starts up again. Obviously, there is a process under the City Ordinances. You can complain about the mulch that sits near the residential property, but let's face it, if we go out there and they say 'okay, we will take care of it', and then they need to cite them, and then it becomes a lot of time with the process. What we would like to see the owner to say, okay, we understand and then not do it. He could actually drag the process right through the entire summer. If you follow what I am saying. It isn't like the complaints never stop, it's just by the time you start the process and the violation occurred and the process starts, the mulch is gone, the summer is over. This is when the issue comes up. If we could get them to live up to it and not do it at all.

Chairman Sandora: Okay. Thank you. Anyone else on the Board have anything to say? Is Mr. Stopper out of town, is that why he isn't here tonight?

Mr. Reyes: I'm not sure why he isn't here tonight?

Chairman Sandora: Will you talk with Mr. Stopper and have him here at the next meeting to address some of these questions?

Mr. Reyes: Yes.

Mayor Stefanik: Mr. Chairman.

Chairman Sandora: Mayor.

Mayor Stefanik: Are we tabling it because there is a problem with the plan or are we tabling it because.

Chairman Sandora: That's my concern. We are here tonight for an addition for a building. What the problem is has really nothing to be concerned about with this addition, so, to me I think we should go forward with this, alright. But, if everybody is saying up here they want to talk to them, or whatever, I think we should go ahead with this. Mr. Stopper is a businessman in the City. These neighbors have been there and there has been problems and it is a two way street out there. He has to agree to work with the neighbors and the neighbors have to understand that this is an ongoing business there. If you look back over all the years what was on that corner originally, it was a total eyesore. It was a total mess. This guy has put a ton of money in that area, and he is probably one of the highest business employees that work there. Why hasn't the Building Department gone down there and worked with them if they have gotten complaints? This is one issue here. It is a site plan approval for a storage building. It doesn't have anything to do with the rest of the things brought up here tonight.

Mayor Stefanik: Mr. Chairman. I think it was brought up because the residents were asked to speak and put in their two cents. I have talked with Mr. Rymut

about many things and he will be putting his list together, I'm sure, and hand it to Mr. Larry Antoskiewicz and we will address it again and hopefully for the last time.

Larry Antoskiewicz: Can I say one more thing Mr. Chairman? I think one of the reasons that the residents are up here and addressing somethings that have happened in the past is because they happened in the past. Maria Gardens does run a great operation and have a nice building there. I wish they would take the rest of the corner actually. The bottom line is that the residents are here because there is a little mistrust factor on their part. A lot of the variances that they have gotten, they got them based on the facts that they were suppose to do certain things. And for a lot of years they have gone back and forth with doing those things. Some times doing them some times not. That is why they are here. Are they really going to do what they say they will. In the past they haven't always lived up to their promises. They were granted variances under certain conditions.

Chairman Sandora: Thank you.

Moved by Chairman Sandora, seconded by Don Willey to **approve 42-foot by 72-foot storage building for Marian Gardens providing that the applicant meets all the requirements with the Building Department, Engineering Department, and you will have to go before the Architectural Review Board and meet all their requirements also.**

Chairman Sandora: It has been moved and seconded, Mrs. Broestl, please call the roll.

Victor Bull:	Yes
Don Willey:	Yes
Mayor Stefanik:	Yes
Chairman Sandora:	Yes

**Yeas - all. Nays - none.  
Motion approved. (4-0)**

Chairman Sandora: You are approved. The Architectural Review Board meets on April 12, at 6:00 pm here. Thank you.

**Tony Maloney's Pub & Pizza / Fred Loschiavos and Sam Petro, 9369 Sprague Road. PPN: 482-01-001. General Business Zoned area. Site Plan approval for an outdoor patio enclosure addition.**

Chairman Sandora: The applicant is still here. Do you have anything else to say regarding what you would like to do?

Mr. Loschiavo: No. We are hoping that you guys will approve this. It is going to be a great addition to what we are doing. It will give us the opportunity to seat people faster and better serve them.

Chairman Sandora: Sure. Mr. Alvarez.

Rito Avlarez: Thank you Mr. Chairman. My comments are rather minor. Just have all the roof downspouts drain into separate sewer systems. Upon approval

here submit four sets of plans to the Building Department for review. That's pretty much it, Mr. Chairman.

Chairman Sandora: Thank you Mr. Alvarez. Mr. Schmitzer.

Mark Schmitzer: Thank you Mr. Chairman. The Building Commissioner already covered my comments. So, I will keep it short and sweet. I have nothing else to add.

Chairman Sandora: Mr. Loschiavo, you read all the reports. The only thing that I want to say is that the Fire Department has requested that you clarification from the Cuyahoga County Board of Health regarding the smoking on the covered patio rather it is allowed or not. I would hope you would do that and give us a copy of that.

Mr. Loschiavo: Yes.

Chairman Sandora: Anyone in the audience have anything to say on this? Anyone on the Board?

Don Willey: I have one more question Mr. Chairman.

Chairman Sandora: Mr. Willey.

Don Willey: Is there going to be an access from outside other than the main entrance to get to the enclosed patio?

Mr. Loschiavos: There are two accesses. One getting out to the patio which is called a nana wall, which opens up 10-feet wide from the existing one. Then we are adding an additional one which is done the hall leading to the bathroom, which will access that room. In the winter time when it is cold and we want to seat people in the winter with the garage door down and we won't have to worry about them walking outside.

Don Willey: And so they can't skip out on the check?

Mr. Loschiavo: Got that right!

Don Willey: I just wondered from the stand point if should the event happens inside the restaurant and instead of coming through the restaurant, I wondered, Mr. Building Commission and Engineer, go ahead Dan, should they have an emergency exit.

Mr. Dan Kaiser approached the microphone.

Mr. Kaiser: I'm Dan Kaiser, 4699 East Wallings Road. I am the architect. There is an existing exit from the patio now at the north side. If you came out of the restaurant onto the patio we could go here.

Don Willey: Okay. That is what I thought.

Chairman Sandora: Anyone else on the Board have anything? Our secretary just showed me a letter here that they are getting complaints regarding your dumpster and debris blowing over onto the neighbor's property, could you address this problem.

Mr. Loschiavos: Yes. We are building a new location in West Lake and we didn't have a dumpster there, so there was one day that this happened. What we had to do is bring some of the garbage over to the North Royalton dumpster, and it got a little fuller than normal. But we did clean it up.

Chairman Sandora: Anything else from the Board? Audience have anything?

Moved by Chairman Sandora, seconded by Mayor Stefanik , **to approve the site plan for an outdoor patio for Tony Maloney's on the condition that they meet all the requirements of the Building Department and Engineering Department, and also the Architectural Review Board which is on April 12, at 6:00 and present this to them.**

Chairman Sandora: It has been moved and seconded, Mrs. Broestl please call the roll.

Mayor Stefanik: Yes  
Don Willey: Yes  
Victor Bull: Yes  
Chairman Sandora: Yes

**Yeas - all. Nays - none.  
Motion approved. (4-0)**

Chairman Sandora: You are approved, good luck.

Mr. Loschiavos : Thank you very much everybody.

Chairman Sandora: I have one thing under miscellaneous. I am requesting that we change our starting time for the planning Commission meetings. We are 7:00 and 7:30. I'm requesting that we make it at 6:45 pm and 7:00 pm. We will move everything up. Anyone have anything on to say on this?

Don Willey: Mr. Chairman. The caucus will be at 6:45 and the regular meeting at 7:00 pm.

Chairman Sandora: Correct.

Moved by Don Willey, seconded by Mayor Stefanik, to move the Planning Commission meeting time to 6:45 pm caucus, and 7:00 pm meeting.

Chairman Sandora: It has been moved and seconded to change the hours of the Planning Commission meeting time. Mrs. Broestl, please call the roll.

Victor Bull: Yes  
Don Willey: Yes  
Mayor Stefanik: Yes  
Chairman Sandora: Yes.

**Yeas - all. Nays - none.  
Motion carried. (4-0)**

Planning Commission meeting time changed to 6:45 pm caucus, 7:00 pm meeting.

Chairman Sandora: I need a motion and a second to adjourn the meeting.

Chairman Sandora: Yes  
Victor Bull: Yes  
Don Willey: Yes  
Mayor Stefanik: Yes

Yeas - all. Nays - none.  
Motion carried. (4-0)

Planning Commission Meeting adjourned at 8:25 pm

Approved \_\_\_\_\_  
Chairman Tony Sandora

Date \_\_\_\_\_

Attest \_\_\_\_\_  
Secretary Julie Broestl