

The North Royalton **Planning Commission** met in the North Royalton Council Chambers, 13834 Ridge Road, on **Wednesday, April 6, 2011**, to hold a **Public Hearing**. Chairman Tony Sandora called the meeting to order at 7:05 P.M.

Chairman Sandora: Good evening everyone and welcome to the North Royalton Planning Commission meeting for Wednesday, April 6, 2011. Mrs. Broestl, please call the roll.

**Present: Mayor Stefanik, Don Willey,
Victor Bull, Mike McCarthy, Chairman Sandora, Law Director Tom Kelly,
City Engineer Mark Schmitzer, Building Commission Rito Alvarez,
Secretary Julie Broestl**

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

The Pledge of Allegiance was recited by all.

Chairman Sandora: This is the Public Hearing portion of the meeting.

Koch Properties/Royalton Supply Landscape Center, 11528 Royalton Road, PPN: 483-11-007 and 014, General Industrial Zoned. **Site Plan Approval to Locate and Operate a Topsoil Shredding Screening Machine.**

Chairman Sandora: There is no one here tonight from Koch Properties. This is still in the Board of Zoning Appeals. Make a motion to move this the regular order of business.

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

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

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

**Yeas – all. Nays – none
Motion carried. (5-0)**

9960 York Alpha Drive, LLC. And Robert Lustig, PPN: 483-12-012, General Industrial Zoned. **Site Plan Approval for Lot Split and Consolidation.**

Chairman Sandora: The applicant is here. Please step forward and state your name and address and tell us what you would like to do and the reason why.

Gary Schreiber approached the microphone.

Mr. Schreiber: Gary Schreiber is my name. And you want to know the main reason why we are going to do this?

Chairman Sandora: Your address please just for the record.

Mr. Schreiber: Company address or my home address?

Chairman Sandora: Company is fine.

Mr. Schreiber: 9960 York Alpha Drive, North Royalton.

Chairman Sandora: Okay. What would you like to do there?

Mr. Schreiber: Either add onto the building I have with the property, or use it for parking or just giving me a little more room, that's all.

Chairman Sandora: Okay. This is at a later date then?

Mr. Schreiber: Yes, a later date.

Chairman Sandora: Tonight you are just here for the property split and consolidation.

Mr. Schreiber: Right.

Chairman Sandora: Okay. Anybody else want to say anything?

Benjamin Aveni approached the microphone.

Mr. Aveni: Just for the record, Benjamin Aveni, Council for 9960 York Alpha Drive, and we also have Bob Lustig, Esq. here on behalf of or actually a trustee or owner of the property.

Mr. Lustig: Actually I am the owner of the property that we are willing to sell to our neighbor.

Chairman Sandora: Anybody on the Board have any questions? I'll make a motion to move this to the regular order of business.

Moved by Don Willey, seconded by Mayor stefanik, **to move 9960 York Alpha to the regular order of business.**

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

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

Yeas – all. Nays – none.
Motion carried. (5-0)

Chairman Sandora: Motion and a second to adjourn the Public Hearing.

Moved by Don Willey, seconded by Victor Bull to adjourn the Public Hearing.

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

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

Yeas – all. Nays – none.
Motion carried. (5-0)

Public Hearing was adjourned at 7:12 pm

The North Royalton **Planning Commission** met in the North Royalton Council Chambers, 13834 Ridge Road, on **Wednesday, April 6, 2011**, to hold a **Regular Meeting**. Chairman Tony Sandora called the meeting to order at 7:12 P.M.

**Present: Mayor Stefanik, Don Willey,
Victor Bull, Mike McCarthy, Chairman Sandora, Law Director Tom Kelly,
City Engineer Mark Schmitzer, Building Commission Rito Alvarez,
Secretary Julie Broestl**

Chairman Sandora: Now I would like to call the regular meeting of the North Royalton Planning Commission to order for Wednesday, April 6, 2011. Mrs. Broestl, please call the roll.

Chairman Sandora: I need a motion to approve the minutes of March 16, 2011.

Moved by Victor Bull, seconded by Mike McCarthy **to approve the minutes of March 16, 2011.**

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

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

**Yeas – all. Nays – none.
Motion carried. (5-0)**

Chairman Sandora: Minutes are approved.

Old Business:

Woodcroft/Woodcroft Glen, Royalton Road, GB and RMD Zoned.
Woodcroft Glen Phase II Final Plat Approval. **Tabled.**

New Business:

Koch Properties/Royalton Supply Landscape Center, 11528 Royalton Road, PPN: 483-11-007 and 014, General Industrial Zoned. **Site Plan Approval to Locate and Operate a Topsoil Shredding Screening Machine.**

Julie Broestl: I need a motion and a second to table this.

Moved by Victor Bull, seconded by don Willey, **to table Koch Properties/Royalton Supply Landscape Center.**

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

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

Yeas – all. Nays – none.

Motion carried. (5-0) – Koch Properties Tabled

9960 York Alpha Drive, LLC. And Robert Lustig, PPN: 483-12-012, General Industrial Zoned. Site Plan Approval for Lot Split and Consolidation.

Chairman Sandora: The gentlemen are here. Just step forward and state your name and what you would like to do and the reason why.

Benjamin Aveni: Benjamin Aveni, here for 9960 York Alpha Drive, LLC. We have submitted drawings to the Commission for their consideration and basically what we are proposing to do is acquire a portion of the neighboring parcel and combining to our parcel so that we have a little more room to operate in terms of getting vehicles, storage, parking, and just make the site more useable and more user friendly for our industrial purposes. We have a contract for sale pending the approval by the Planning Commission of the lot split and it just would increase our lot size and would obviously decrease the parcel next to us. So, pursuant to the code regulations of the City of North Royalton, we come before this Board so that you could examine the application and the drawings and the Engineering Department can review the descriptions and what we are proposing to do to make sure that they meet code and meet standards. So, we submit that for your approval and we stand ready to answer any questions the Commission might have. Thank you.

Chairman Sandora: Thank you. Mr. Schmitzer, do you have anything?

Mark Schmitzer: Thank you Mr. Chairman. In viewing the proposed lot split and consolidation, it does meet all criteria for General Industrial Zoning. Regarding lot size, just for my own purposes, all those lots will be consolidated into one parcel, correct?

Mr. Aveni: Yes, yes it will be.

Mark Schmitzer: Because over the years when people have acquired additional land in the Industrial Park for tax purposes, it has become burdensome to have multiple parcels for property owners, and getting information on that, so, we ask that things get cleaned up, and we do appreciate that.

Mr. Aveni: Typically, my practice is on the out transfer deed is to run a note in it that says this will be combined into the larger parcel number and be one continuous lot. Nobody wants to create any land locked parcels. Typically the county will pick that up and my practice is to run that note in the out deed from Mr. Lustig so, in the conveyance deed we will run that note. That kind of addresses that item. It is a county requirement and a City requirement, so I typically run that language when I draft the deed. Mr. Lustig and I will coordinate as to who draws the deed, but make sure we have the proper language to address that issue.

Mark Schmitzer: Okay. Aside from this approval here, I did hear mention of future development. I just ask that you please come and sit with us in the Engineering Department before you would proceed with that, so that we can save time and money to get an idea out before you spend money to have something engineered and come into my office and find out that it doesn't work, and in particular being near that large drainage way, we do have riparian setbacks and things of that nature. If you did want a culvert in the creek an army corp. permit would be required. I just want to make you aware of all that.

Mr. Aveni: We appreciate the heads up.

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

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

Rito Alvarez: No Mr. Chairman, I have nothing at this time.

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

Don Willey: You will be filing the plat with the new plat?

Mr. Aveni: Absolutely. Once the Engineering Department finishes its review, we have the pending approval tonight, we will submit the velum once they finish their review. Then we will have the velum and need for them to sign it

and we will proceed that way. Also, after Engineering finishes then we will have the velum and they can submit that to the county for them to do their review process and then everyone will be on board.

Don Willey: Okay. Thanks.

Chairman Sandora: thank you Mr. Willey. Anybody else on the Board have anything?

Moved by Chairman Sandora, seconded by Don Willey, **to approve a lot split and consolidation on the condition that all the lots will be consolidated into** one.

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

- Mike McCarthy: Yes
- Mayor Stefanik: Yes
- Victor Bull: Yes
- Don Willey: Yes
- Chairman Sandora: Yes

**Yeas – all. Nays- none.
Motion carried. (5-0)**

Chairman Sandora: You are approved. Good luck to you guys.

All three gentlemen said thank you very much.

Chairman Sandora: Going back under Old Business.

Don Willey: You are welcome to stay for the rest of the meeting.

Laughter

Old Business

Ordinance No. 10-131 – An Ordinance amending the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1220 Planning Commission, Section 1220.06 Matters to be Considered, by deleting Paragraph (d) Location of Utilities, and Declaring an Emergency.

Chairman Sandora: Mr. Kelly would you like to take this?

efforts and applications be subjected to advertising and Public Hearings. The proposed Ordinance, if it were adopted, would still require Planning Commission review and approval. All this Ordinance would serve to do is to relieve the applicant of the need of advertising it as is presently required.

Chairman Sandora: Mr. Kelly, so would the public still be notified?

Tom Kelly: If I understand correctly, the immediate and the neighbors in the immediate area would be notified in advance, and that is a matter of our practice.

Chairman Sandora: Okay. So that will still be in the language?

Tom Kelly: It's not in the Ordinance, I don't believe. This is a

Chairman Sandora: Well then what's going to require the public to be notified that there is going to be some work done on their property if we are not going to have a Public Hearing anymore?

Tom Kelly: Mr. Chairman, I don't have an answer for that other than to suggest to you that it is my understanding based on prior conversations that I have had that the Building and Engineering Departments require the utility companies to give notice to the residents in the area in the days immediately preceding the work, so that they are not surprised by seeing the machinery out there.

Chairman Sandora: This is just myself speaking, but I really have a problem with that. I have a problem with anyone working in the right of way that we are not going to formally be notified that there is going to be work done on their property. I think it is a right for the resident to know this. Not for a utility company to just come in and not have to advertise anymore, and that they don't have to come here for a Public Hearing and discuss what they want to do and let the residents or anybody if they have any concerns about something being done on their property. I want to make sure that everything is going to be put back into place in the condition that it was before they started. I just don't think that that is right. But that is me. Mr. Willey?

Don Willey: Mr. Chairman, I concur with that. I think that one of the things that has upset residents is all of a sudden someone shows up and tears up their tree lawn. In Building and Building Codes we did have a lengthy discussion on that and that was a criteria that we would like to see fulfilled. Notifying before work commences, I know that they have to contact the Engineering Department and get their approval and in Building. So, whose responsibility would it be? I concur, I think that at some point in this process,

and I don't know if we could legislate it, I'm not sure, Mr. Kelly? But I would like to have some assurance that residents are going to be notified.

Chairman Sandora: Thank you Mr. Willey.

Julie Broestl: Can I say something?

Chairman Sandora: Sure.

Julie Broestl: Mr. Chairman. I always send letters to everybody within the area and I can still continue to do that. I always send letters to anyone in that vicinity that this will be happening. I don't know if we reword not being a Public Hearing, but maybe we could tell them that this work is going to be done.

Chairman Sandora: Well if there is no Public Hearing though, and if they come then what. If they want to voice their opinion and come here that will tie up the root of the meeting to a longer extent in certain ways. For the life of me, I just can't understand why we want to bypass this. This is my opinion. Anyone else have anything on this?

Don Willey: Mr. Chairman. In the past there has been a number of residents that had come up when AT & T, for instance, were putting in these new boxes. But, I don't know that people are beating down the door to come to the Public Hearing as you can see tonight. Of course, this was for Industrial, but it effects residential also. There are three private homes on Rt. 82 next to Koch Properties. I think that if we would notify them at the point and time that there is going to be a Planning Commission meeting, and I don't know if it would be that disruptive. Fortunately, in the past year or so we have been in and out of here in less than thirty minutes, in most cases. I don't know if that would be disruptive. My point is that they are notified. Thank you.

Chairman Sandora: Thank you Mr. Willey. My point too is that they are notified and also that when this was brought up before I asked if there was going to be any Bonds put in place because they would not be having a Public Hearing on this. Especially if they are going into the right of way, especially if they are going to be putting in vaults in the City right of ways. I know that it is going to be going to the Engineering Department, but there still needs to be a secondary bond put in place in case there is any problem, in case there is any problems with going on people's property. When they come before here and we discuss it and it's on the record. That is what the Public Hearing is all about. That is all I have to say. Anyone else?

Mark Schmitzer: Mr. Chairman, if I could.

Chairman Sandora: Mr. Schmitzer.

Mark Schmitzer: Just to let you know regarding the bonds. Every one of these Projects that come in for a permit through the Engineering and Building Department and the contractor has to be licensed in the City. It is part of the licensing procedure. There is a Bond held on every single contractor. When they apply for a permit, usually, even if it is an existing facility that they are going to do a repair to, it is a right of way permit that triggers their bond as a contractor on the project. So, if we have an issue that something can't be taken care of, I believe that there is a mechanism that we can go after their bond as a contractor in the City to help resolve the issue.

Chairman Sandora: When we talked earlier Mr. Schmitzer, I was lead to believe that there should be a secondary bond or a higher bond put in place for this scenario.

Mark Schmitzer: I don't recall that conversation. I may have said that but I guess it would be on a case by case basis. If we had a scenario where you were extending a gas line for a residential home because they can't reach the service, does that warrant a higher bond? I don't know that it does. But if we have a utility coming in and expanding utilities all over the City, maybe we do require some sort of a bond from them because there will be so much more work being done, but the likelihood of something happening we would feel more comfortable with a secondary bond in place.

Chairman Sandora: Thank you. Mr. Willey.

Don Willey: A question for the Engineer. The bond to do business in the City should, now in the incident we are talking about in the City right of way, any damage to that then I assume the City is protected by that bond. So, the guy accidentally puts it into reverse and damages the neighbor's front lawn and knocks down a tree, so that bond, indeed, or in fact, covers that type of scenario? I think Mr. Chairman, you are asking the same thing aren't you?

Chairman Sandora: Yes.

Mark Schmitzer: I haven't read the language of the Bond, but I have been lead to believe that that bond covers any work that the contractor is performing, whether it is incidental or accidental.

Don Willey: Thank you.

Chairman Sandora: Anyone else?

Mike McCarthy: Mr. Chairman.

Chairman Sandora: Mr. McCarthy.

Mike McCarthy: I do share your concern about notification for the residents and wonder if there is not a happy medium that can be struck in and somehow get into writing the notification for those properties only that will be physically impacted while we seem to be doing that as a matter of good practice. Is there a way that we could come up with language that would get that in for those property owners would get the notification as opposed to doing the large broadcasting to anybody in the City or anyone that would choose to want to comment.

Chairman Sandora: So you are saying that you are satisfied without a Public Hearing?

Mike McCarthy: I am. But I do share your concern about the residents not knowing or being formally notified. Something could change in a couple years were we are not as diligent, the City is not as diligent, in getting letters out which are a matter of practice, could we get that into writing?

Chairman Sandora: I agree that there needs to be some mechanism for this. I think this is just a wrong way to do this. Anybody else have anything?

Tom Kelly: Mr. Chairman.

Chairman Sandora: Mr. Kelly.

Tom Kelly: Following on what Mr. McCarthy had said, and I think you made a reference to it as well, if you are so inclined you might give your approval conditioned upon additional legislation being brought to bear to mandate notification to affected residents within so many feet of the work area in within a specified period of time immediately preceding the work.

Chairman Sandora: Mr. Kelly, with all due respect, they have been working on this for I don't know how long. I agree with you 100% that is the way it should be. We have another meeting in two weeks. They have a Building and Building Codes meeting on the 18th because I received a call asking myself to be there for this. I think this legislation if it is going to go forward, everything should be spelled out in that legislation that everybody up here could read and could understand. Just to approve this on the condition that they are going to put this in there, I think that we should have it in front of us. If any member up here wants to go to that meeting and voice their concern, voice it and get it in there and get the legislation made to that point and brought back here and then passed. You have in here that if you are going to do this you have to change the Charter on this, is that what you are saying on this?

Tom Kelly: There is a reference to that, yes.

Chairman Sandora: If it is going to have to change the Charter, this can't even go into effect until it is passed in November if this is going to be a Charter change.

Tom Kelly: No, no, no. I wasn't clear Mr. Chairman. The Charter requires that any alteration to municipal property has to come before the Planning Commission. It doesn't require advertising in that form of Public Hearing. That is what is required by the Ordinance. So, modifying the Ordinance would simply relieve the applicant of the need for advertising and for the Public Hearing.

Chairman Sandora: So, you are saying that amendment to the City Charter than?

Tom Kelly: No. The City Charter is not going to be amended. All alterations or modifications to public property must come before this Planning commission, and they will continue to come before this Planning Commission, including the location of utilities. They will continue to come here. The only difference is that the issue of Public Hearing and advertise notification of the Public Hearing would be alleviated or relieved.

Chairman Sandora: So, you are not going to amend the City Charter?

Tom Kelly: No sir. Nobody wants to amend the City Charter. Not on that score at least.

Chairman Sandora: That is what it seemed like to me.

Tom Kelly: I apologize. That was Mr. Jordan's choice of words, but if it wasn't clear I hope to make it clear now. We are not suggesting in the least that any modification be made to that provision in the Charter.

Chairman Sandora: Okay. Thank you Mr. Kelly.

Victor Bull: Mr. Chairman to Mr. Kelly. Just for further clarification, the residents will still have an opportunity to speak to the Commission during the meeting?

Tom Kelly: Yes sir.

Victor Bull: Thank you sir.

Mayor Stefanik: Mr. Chairman.

Chairman Sandora: Mayor.

Mayor Stefanik: It was my understanding that Building and Building Codes was going to amend it so we could table it tonight. This was just as a point of information

for the Building and Building Codes Committee. I agree that there should be some notification but, I do agree we need it, but there is no practical reason to have a Public Hearing if Planning Commission can do it. It is like having a Public Hearing and the people come up and say the same thing again. What it does is helps some of these businesses where they don't have to advertise for a Public Hearing, but we can still as a City amend the Ordinance and put notification parameters in there. That is something when Council wants to amend it they should do it at Building and Building Codes. That is probably why you got the invite. Unless you were bringing dinner that night.

Chairman Sandora: Not me. Anybody else have anything?

Don Willey: Mr. Kelly. So, from the Building and Building Codes stand point in satisfying these requirements we talked about tonight, so we would need to amend 131 with a paragraph stating that a property within X number of feet has to be notified and that would satisfy that and also put the burden of notification on Engineering or Building Departments. Correct?

Tom Kelly: Yes. Although, Mr. Willey, I don't have it in front of me at the moment, so I don't have the ability to draft that language, but yes, in the main that is correct.

Don Willey: Could you give something to Building and Building Codes so that we could review and amend rather?

Tom Kelly: Yes sir, I could do that. I can't do it this minute but I can have it for the next meeting I suppose.

Chairman Sandora: I mean for the Building and Building Codes.

Tom Kelly: Yes sir, I could have that.

Don Willey: Thank you.

Chairman Sandora: I need a motion to table this.

Moved by Don Willey, seconded by Mayor Stefanik, **to table Ordinance 10-131.**

Chairman Sandora: It has been moved and seconded to table 10-131. Mrs. Broestl, please call the roll.

Mayor Stefanik:	Yes
Don Willey:	Yes
Victor Bull:	Yes
Mike McCarthy:	Yes

Chairman Sandora: Yes

**Yeas – all. Nays – none.
Motion carried. (5-0) Tabled 10-131**

Chairman Sandora: Tabled. Anything under miscellaneous? Nothing? Motion to adjourn.

Moved by Don Willey, seconded by Victor Bull, to adjourn the Planning Commission meeting of April 6, 2011.

Chairman Sandora: Mrs. Broestl, please call the roll.

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

**Yeas – all. Nays- none.
Motion carried. (5-0)**

Meeting adjourned at 7:44 P.M.

Approved: _____
Chairman Tony Sandora

Date: _____

Attest: _____
Secretary Julie Broestl