

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

**PRESENT:** Planning Commission: Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Marie DeCapite, John Ranucci. Secretary/City Planner Ian Russell. Absent with Cause: John Ranucci. 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 **May 3, 2023. Motion carried.**

The Public Hearing portion of meeting called to order. Chairman Gene Baxendale gave a brief overview of the meeting process.

## **PUBLIC HEARING / OPEN MEETING**

### **New Business**

1. **PC23-13:** Jerry Salupo of JS Design, on behalf of Ramesh Rouniyar of Cedarwood Homes LLC, is seeking sketch plan approval for a minor subdivision consisting of 5 buildable single-family lots on a private drive located off of Cedarwood Drive, also known as PPN: 481-12-099, in Residential (R1-A) district zoning.

Chairman Baxendale: The applicant was here about a year ago for the properties on York Road that about this property.

Jerry Salupo (applicant): A year ago I was here before the PC for 8414 and 8442 York Road. The two parcels that face York Road and go back approximately 1,000 feet. We purchased the back empty parcel that connected along Cedarwood Estates and ask for a lot consolidation of that property and a lot split with the York Road properties. What was proposed did not conform with the City's requirements of 20,000 sq. ft. The City asked that he make the lots 20,000 sq. ft. and redesign the parcel in the back. Those changes were made and accepted. A lot split was done with those two parcels and a lot consolidation with the back properties. The redesign would allow for five single family lots that conform to the requirements of the City for setbacks, lot size, etc. I am requesting approval to build five single-family home sites on that parcel with a private street.

Chairman Baxendale: Asked the applicant to display the plan and explain the plan.

Jerry Salupo (applicant): The parcel we obtained had an opening on to Cedarwood and ran back behind the properties on Cedarwood. The lot consolidation of the two properties on York Road is what encompassed the rest of the property. We designed it with the five lots. The City asked for a separate parcel with the retention pond which is on the back part. The easements for the storm and sanitary lines will run across the back of those properties up that will connect to Cedarwood. The City asked for a turnaround for utility and emergency equipment which meets all the requirements in front of subplot 5. The homes will be approximately 2,500 to 3,200 sq. ft. They will meet all the requirements and not require any variances.

City Engineer: As we said, the stormwater basin needed to be on its own parcel. The plan was modified to meet that request. The entire cul-de-sac needs to be in the proposed ingress-egress easement. There are catch basins shown on every lot as required. Those all drain towards the stormwater basin in the back. In this area, stormwater generally drains from east to west. Most of the stormwater in the existing development of Cedarwood and Applewood is collected in storm sewers and heads west and outlets to Baldwin creek. In the proposed plan, the existing land drains to the west towards where the

basin is. Therefore, that is where it should be located. The City requirements would require that the basin outlets discharge that stormwater at a rate less than the current rate for the more common smaller storms and at a rate equal to the larger storms. It will outlet to a ditch where there is an easement which runs north of Applewood and heads west to the Baldwin Creek. If this plan does go forward, the proposed plans will be reviewed by the Northeast Ohio Regional Sewer District, Cuyahoga Soil and Water Conservation District and the City Engineering Department and Building Department.

City Planner: It is zoned correctly, and the proposed density is roughly 1.36 dwelling units per acre which meets the requirement of the R1-A District. It appears all the lots meet the minimum size requirements of 20,000 sq. ft. as well as the required 100 ft. lot width. The proposed development is located on a private street rather than having frontage on the dedicated roadway. Some of the setbacks change a little bit; it appears to meet the required side yard and rear yard setbacks for the R1-A zone. As far as front yard setbacks, typically it is based on the right-of-way. Since the homes are on a private street, there is no right-of-way. The front yard setback would be 50-ft. It looks like they are 90 ft off the northern property line. The turnaround meets the required 90 ft. diameter and has all the easements that are required. The front yard may need to be discussed further. The cul-de-sac they are proposing looks to extend beyond 600 feet. Typically, our code maxes out around 600 feet. That may be more focused on a dedicated roadway versus this being a private street so it may not be as much of a concern. Proposed plans are for a 20 ft. asphalt drive. Our typical street is about 25 ft. The Fire Department has no concerns with emergency vehicles on the proposed drive. We would like the ingress/egress easement and utility easement to extend all the way around the cul-de-sac. There is some confusion on our part as to how it interacts with the connection to Cedarwood. The easement line seems to disappear and then reappear. Future plans should clarify how that easement interacts with the drive. Approval of this application would require a Homeowners Association be established. That HOA would be responsible for the maintenance of the basin, the drive, utilities. That information would need to be part of the next submittal. Our code requires the basin to be located 12 inches off the nearest property line; it will need to be confirmed that it does.

Law Director: From the Law Department's point of view we would emphasize the creation of a Homeowners Association be created by the appropriate declaration and by-laws which would include appropriate precautionary instructions to the homeowners which would carry over into the sales agreement and into the deeds to give them recognition of how critical it is that they understand that they are individually and collectively obligated for the maintenance of the retention basin and all of the other common property elements. Our Engineering Department can provide that language regarding the declaration and bylaws and the provisions we want included in that document.

Chairman Baxendale: Opened the floor to the Public for those who want to be heard on this particular application.

John Nickell, Ward 1 Councilman: I have received a lot of calls from residents concerned that we are pinching this in on that strip of property. In particular, the private drive for the two people on either side of it. We are not in favor of the approval of the application. If it moves forward, other concerns would be for the two lots next to the drive to include a privacy fence or shrubbery; especially to add privacy for the house on York Road. Is our Cedar super basin the parcel right next to it or one over? I would like to see the basin drain into the super basin rather than the creek; the creek is already compromised. Possibly the Engineers can look at that to protect the people on Applewood.

Diane Pellow, 9520 Cedarwood: My big concern is the road that will abut my property is so close to my house. My fence ends at the end of my house per code. If the road goes in, I want my fence extended. Because of the location of the drive, will the fire hydrant be removed? She read a letter from Paulette Pajka, 8960 Elmwood, against the subdivision because of the existing flooding in their cul-de-sac. The vacant house on York is now boarded up. Our concern is that house is unfinished by the same owner.

Ms. Kosta, 8490 York Rd.: I am the corner house. My back yard will be close to the proposed drive. I am against the five houses and the increased amount of traffic on the street. I am concerned about the privacy as well. Consider putting the drive on to the city property by the basin.

Greg Roberts, 8382 York Road: I am concerned with the increased amount of traffic and trespassing onto my property. I am concerned about the character of the neighborhood, light pollution because of streetlights, and environmental impact as well as possible flooding on the creek behind my property.

Arthur Burdick, 9620 Cedarwood Drive: I am against the approval. Two-thirds of the property is currently covered in woods creating water and flooding control. When will the basin be built; before the construction? There is no benefit for the existing homes in the area.

Ricardo Rodriguez, 9600 Cedarwood Drive: How many hurdles is the City bypassing for a company that is not here. There is a large amount of speeding in an area that has a lot of children. We moved into this area for the environment. In the past the four neighboring properties took on the mission of trying to purchase the properties and did not succeed.

Dan Pomnean, 9540 Cedarwood Drive: I am concerned with narrow drive and passing each other safely. Will buffer fencing be part of the plan for the existing homeowners? I am concerned with water issues, flooding and soil erosion.

Beth Moss, 9680 Applewood Drive: When there is a heavy rain now, it comes up to grass level, 8 feet, and will recede on to the property. I have already seen erosion of the creek. We moved into this area for privacy.

Mayor Antoskiewicz: I will seek to address issues of the neighboring property owners. Both houses on York Road were bought with flipping them in mind. One house was condemned. I do not like where the 20ft. drive is located due to the safety issues. My suggestion to the developer is to consider alternate plans to see if they can come in through York Road where the condemned house is. It would allow the developer to spread the houses out a little more. Consideration should be given to sending water into the other basin. Because of the large basin, I would like the developer to consider putting fencing along the North Royaltown property line so that the public cannot trespass. In order to move forward, I feel these are issues the developer needs to look at. It is refreshing to know that the property owners were trying to purchase the property to keep it in its natural state. Our mission is to minimize the impact of the project on the neighboring properties. The tax dollars gained from 5 homes are minimal and do not affect the outcome of this project.

Law Director: Spoke regarding the property rights for people who own land. If you own land, you can develop that land and there are only so many restrictions that the local government can put in the way of that. I commend the neighbors of the proposed development at trying to buy the land. The new owners of the property in question have a right to develop that land. This plan does not have to happen, the developer is receiving feedback that may be more acceptable or expected for the development of the land. The sketch plan may be turned down and the developer may need to revise and return to PC.

With no further comment, Chairman Baxendale closed the Public Hearing portion of the meeting and called to order the Regular portion of the meeting for discussion by the Commission members.

Jerry Salupo (applicant): I appreciate and respect all the neighbor and owner concerns. I was not involved with the York Road properties. I was consulted for options only but was not directly involved. I felt an exit on to Cedarwood would be unsafe due to the amount of traffic on the roadway. My recommendation was to take the condemned house down and use that property for the exit. I was told draining into the city basin was not an option; the subdivision would need its own basin. We are willing to do landscaping and fencing if necessary.

City Engineer: Draining the new subdivision stormwater basin into the existing stormwater basin is a good idea. I do not agree with not having a basin for the new subdivision. We will need to contact the Wastewater Department.

City Planner: While the lots do meet requirements, sub lot 5 is the only lot that is concerning. The lot is made up of the turnaround, how can you put the house there and meet code.

Ms. DeCapite: Is there a reason why the drive is 20 feet at the road, is it due to the easement? Is there a reason why when it comes to the end of Cedarwood the road cannot get wider? Residents feel there may be a possible problem with it going straight in the winter time with snowplows, etc. We want reassurance that the creek or basin is not being affected with this project. I have questions about the flooding issues and wanted to know what was meant by flooding.

Jerry Salupo (applicant): The egress met all the requirements at the apron but we are willing to widen the apron more if necessary.

City Engineer: The creek and basin are not affected with this project.

Mayor Antoskiewicz: There is Baldwin creek behind Applewood that takes most of the rainwater. The Storm Water Dept. is always monitoring that creek. Elmwood Oval is also a cul-de-sac that will be an additional area worth addressing to assist with the flooding issues. The new development will have its own basin. York road will be able to handle the extra traffic. The concern is that the homeowners for the new development are going to be able to take care of the basin. The rest of the city will have to pay if the homeowners do not pay to take care of the basin.

Jerry Salupo (applicant): Homeowners are going to understand the requirements of maintaining the basin through the HOA.

Paul Marnecheck: Can we require developer to post some sort of initial seed money for the basin maintenance?

Law Director: No. Planning Commission does not have that authority.

Paul Marnecheck: Do we have ability to write into the deeds that we can lien the property? How can we make sure going forward as the basin gets older, do we have anything in place to lien the property in the event that the homeowners fail to take care of the basin.

Mayor Antoskiewicz: The language we have currently that has been used in other HOAs does grant the city the authority to lien the property should the homeowners fail to do their duty. The cost of maintenance rises when the city gets involved.

Jerry Salupo (applicant): I am not the developer, Cedarwood is the developer. I am helping the developer and here for assistance to get the project started and is here to represent them at the meeting.

Based on comments from the Commission, the applicant made a request to table the application.

With no other comments from the members, the Chair asked for a motion to table for 120 days to go back to developers to discuss issues of routing the water to the big basin and the entrance.

**Motion made by Mr. Marnecheck, seconded by Ms. DeCapite to approve tabling the application for sketch plan approval. Roll Call: Yeas: Two (DeCapite, Baxendale). Nays: Two (Marnecheck, Antoskiewicz). Motion denied (2-2).**

The Chair asked for motion to approve the application for sketch plan approval.

**Motion made by Mayor Antoskiewicz, second by Mr. Marnecheck to approve the application for the sketch plan approval. Roll Call: Yeas: One (DeCapite). Nays: Three (Baxendale, Antoskiewicz, Marnecheck,). Motion denied (1-3)**

**MISCELLANEOUS:**

City Planner: Discussed putting the meeting notice for projects not requiring public notices.

Mayor Antoskiewicz: The meetings are posted on the website and public notices are sent out per the ordinance.

- The next Planning Commission meeting is scheduled for July 6, 2023.

**ADJOURNMENT:** Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned at 8:40 pm.

*Minutes Transcribed by D.Veverka and T. Antal*

APPROVED: /s/ Eugene Baxendale  
Chair

DATE APPROVED: July 6, 2023

ATTEST: /s/ Ian Russell  
Planning Commission Secretary