

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on **March 6, 2024 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Frank Castrovillari and opened with the Pledge of Allegiance.

**PRESENT:** Planning Commission: Chair Frank Castrovillari, Mayor Antoskiewicz, Paul Marnecheck, Marie DeCapite, John Ranucci. Secretary/City Planner Ian Russell. Administration: Law Director Tom Kelly, City Engineer Justin Haselton, Assistant City Engineer Joe Pavlick, Building Commissioner David Smerek.

## **REGULAR ORDER OF BUSINESS:**

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

Moved and seconded to approve the minutes of **February 7, 2024. Motion carried.**

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

## **PUBLIC HEARING / OPEN MEETING**

### **Old Business**

1. **PC23-10ext:** Anthony Tomaro, of Wallings-Ridge LLC, is seeking a 180-day extension of the preliminary site plan approval, received on April 5, 2023, for a proposed office building to be located at 12289 Ridge Road, also known as PPN: 488-01-001, in Office Building (OB) District zoning.

Anthony Tomaro (applicant): Anothony Tomaro, 8094 Sandstone Drive, Northfield, OH 44067. I am requesting a 6-month extension of the preliminary site approval that we received back in April of last year. The request is due to additional time we need to finalize the design and complete some of the pre-construction requirements. These include consolidating the lot and then also getting several variances that we need to go through the Board of Zoning Appeals. The lot consolidation is in the process of being reviewed and will include recommended right-of-way dedication, which the Council will have to review and approve and that'll take several steps. We anticipate that done by hopefully the May meeting. The variance requests have also been submitted and will be heard at the March 28th meeting. We have two setback reduction requested and one parking count reduction requested. Pending the approval of those variances and the lot consolidation, we'll proceed forward with the detailed design and then cost estimating. Assuming that all works out, we'd anticipate construction starting sometime this summer.

Chairman Castrovillari: Can we hear from the City Engineer?

City Engineer: We have no objection to this request.

Chairman Castrovillari: Can we hear from the Law Department?

Law Director: We have no comment.

**The Chair opened the Public Hearing portion of the meeting.**

**With no further discussion the Chair asked for a motion to approve the 180-day extension. Roll call: Yeas: Five (DeCapite, Marnecheck, Antoskiewicz, Ranucci, Castrovillari) Nays: None. Motion to approve (5-0).**

2. **PC24-02:** Ted Polesiak, of CDMG, on behalf of Stevens Painton Corporation, is seeking final site plan approval for a 25,000 square foot accessory storage warehouse building located at 14470 York Road, also known as PPN: 483-26-001, in General Industrial (GI) District zoning.

Preliminary Site Plan approval was granted at the December 6, 2023 Planning Commission meeting.

Ted Polesiak (applicant): Ted Polesiak, 622 Pennsylvania Ave., Oakmont, PA 15139. We were here back in December for preliminary approval. We had a couple of loose ends to tidy up for final plan approval, been back and forth with Ian and the Engineers at the office and I think we've completed those requirements. And hopefully, we're in good shape.

Chairman Castrovillari: Any comments from Engineering?

City Engineer: This project is an improvement for the site. We have additional grass area, so we're going to reduce the impervious area. There's also a water quality feature added, and it will just clean up the site in general. One comment we had last time was about the CEI easement approval, and I believe they have that now. So, no objection from us.

Chairman Castrovillari: Any comments from the Law Department?

Law Director: No comment.

Mayor Antoskiewicz: I love these lighting pictures.

Building Department: The parking on-site seems adequate. As Justin had mentioned, the additional green space up front is helpful and you're constructing a water quality basin on-site, which was previously non-existent. We did ask for CEI approval and we did receive that letter, it looks like you have met and worked with them to meet all their requirements for the construction within that easement. Loading space has been added at the back of the building, not facing York or Royalton. I know you have the overhead doors on the eastern side of the building, don't use those for loading spaces or else we'll have to variance them; however, I think they're just for general storage and access. You did submit a sign plan and it appears to meet code as far as the size. I wanted to clarify what type of material you will be using for the front of the building facing North Royalton. Will it be brick?

Ted Polesiak (applicant): More of a split face CMU. So, a finished type of masonry.

Building Department: Ok, just make sure as that is a code requirement. No other comments from the Building Department.

**With no further discussion the Chair asked for a motion to approve the final site plan. Roll call: Yeas: Five (Castrovillari, Ranucci, Marnecheck, Antoskiewicz, DeCapite) Nays: None. Motion to approve (5-0).**

- 3. PC24-03:** Randy Parsons, of MPG Architects, on behalf of Dean Costello, of TMRD, Ltd., is seeking final site plan approval for a 20,926 square foot building addition and associated parking lot expansion for an industrial building located at 9601 York Alpha Drive, also known as PPN: 483-15-008, in General Industrial (GI) District zoning. Preliminary Site Plan approval was granted at the December 6, 2023 Planning Commission meeting.

Randy Parsons (applicant): Randy Parsons, 3660 Embassy Parkway, Fairlawn, OH 44333. We're adding an addition to Kent Corp. for Dean Costello. We have revised a couple of items to accommodate the business and addressed comments we received from the City of North Royalton and we are here for final site plan approval.

Chairman Castrovillari: Any comments from the Building Department?

Building Department: There was a slight reduction in size of about 4,000 square feet. I just want to say thank you for adding a dumpster enclosure at our request. The building addition will meet all performance standards and all the masonry standards as you're doing a split face CMU matching the

existing building. Parking is adequate with the 58 parking spaces and future projected 58 employees. The photometric shows that you're meeting our code regarding the parking lot lighting. The variances required for the setbacks, for the count and for the space size have all been eliminated and the spaces are now compliant. You received the variance for the loading door to face York Alpha Drive on January 25<sup>th</sup>. I appreciate you adding some additional landscaping up at the street including trees and the island. In our opinion, proposing drought resistant plant species is a sufficient alternative for the mechanical irrigation requirement.

City Engineer: There is an existing stormwater basin on site, but with the impervious area, they have added an underground detention system. They've also submitted the paperwork we need for the wetland delineation and Army Corps work on that. They're meeting the requirements for everything we need for wetland and stormwater, so we have no objection.

Law Department: We have no comment.

**With no further discussion the Chair asked for a motion to approve the final site plan. Roll call: Yeas: Five (Castrovillari, Antoskiewicz, DeCapite, Marnecheck, Ranucci) Nays: None. Motion to approve (5-0).**

4. **PC24-04:** Mark Holz, of Frontier Land Group, on behalf of FLG Woodland Bend LLC, is seeking final site plan and preliminary plat approval for a proposed detached single-family cluster development consisting of 20 buildable lots located off of Sprague Road, also known as PPN: 489-02-033, in Residential (R1-A) District zoning. Preliminary Site Plan approval was granted at the March 8, 2023 Planning Commission meeting.

Mark Holz (applicant): Mark Holz, 25700 Science Park Drive, Cleveland, OH 44122.

Kevin Hoffman (applicant engineer): Kevin Hoffman, Polaris Engineering and Surveying, 34600 Chardon Road, Willoughby Hills, OH.

Mark Holz (applicant): We're here for the final site plan approval for a 20-lot subdivision on Sprague Road. We have been here a couple of times and I think we have everything buttoned up now and are here to answer any questions.

Chairman Castrovillari: Ok. Any comments from the Building Department?

Building Department: Going back to the preliminary, there weren't too many changes. There have been some developments on your end as far as open space and you have been working with West Creek Conservancy to have that put into the Conservancy and maintained.

Mark Holz (applicant): There is close to 15 acres going into the Conservancy.

Building Department: Okay, understood. The setbacks and cul-de-sac for the street for the clusters all seem to meet code. The lot split has been completed as previously requested with Ridgedale, so there is now no access to Ridgedale Road. The access is all off of Sprague Road which is where you'll enter the subdivision. As you are working with Ryan Homes on this, the dwellings need to meet the floor area requirements for our code and keep some uniformity within the units themselves. You have done a good job of maintaining as much open space as possible and I appreciate you adding the hiking trails and a recreation area at our request. They meet the requirements as far as the dedication to the deeding to the HOA for maintenance and ownership. Make sure you meet the parking requirements for each cluster, which is two spaces within a 400 sq. ft. minimum for the garage and the driveway. It is the responsibility of the HOA to maintain the basin which is on its own parcel, approximately 12 inches off the property line, all within the city of North Royalton.

City Engineer: The City Planning and Engineering Departments have worked fairly closely with the applicant here. They've been very responsive and easy to work with as the plans are certainly at the level we'd want to see for this submission. In addition to the plans, we've received everything we

needed in terms of Army Corps wetlands and meeting all the setbacks. The one issue that their Engineer will be able to explain a little bit more is the catch basins around the subdivision. The code does say that you're supposed to have one catch basin in each lot, they have 20 lots as stated and I think we have 13 catch basins. The last four, 17 through 20, which their Engineer will probably explain, don't really work as well for a catch basin so he'll explain those specifically. Maybe those don't need it which that still leaves 13 basins for the other 16 lots. Hydraulically, it'll still work well as there's a catch basin fairly close to every lot, so it alleviates our problems of getting water to catch basins that doesn't have anywhere to go. Some of the basins are outside the lots, in the common area as opposed to in a lot. I think they have a reason why they did that they can explain. So, really, everything is how we'd like to see it except potentially for that issue and the Commission can decide how they feel about it.

Kevin Hoffman (applicant engineer): I have some handouts of the grading plan. As you'll see on this grading plan, the blue arrows are the direction that the runoff is going to drain. The yellow highlighted areas are where the catch basins are. Then the green arrows are what we are proposing to drain off into the woods. The topography there is pretty steep and is basically a hill, so it will be hard to concentrate the water to intercept it into a catch basin because at this point you would have to regrade the whole hillside. We felt you would get less erosion and with-it being stormwater only, this was our preferred choice. We are proposing a swale running along the back of sub lot 20 to the basin. Sub lots 11 through 16, there will be a 20-foot easement on the back of these properties that will drain out into the storm sewer in the street. The HOA will be responsible for maintaining the basin and the city will have access to the area should it be needed. The intention of the code for yard drains on every lot makes sense so that the water from your yard doesn't drain into your neighbors and cause flooding or ponding. The intention of this plan is still met as all the water is intercepted and no drainage is crossing somebody else's property.

Mark Holz (applicant): Also, the lots that are flowing back into the woods, that's where the conservation easement is so there will be nothing built there. It is 15 acres of open space with that big drop off which will work its way down to the creek naturally.

Mayor Antoskiewicz: How is the water getting to the woods? Are the downspouts being hooked up with a pipe that outlets to the back? Or are the downspouts going to be open and the water will run on the property and down the hill?

Kevin Hoffman (applicant engineer): The downspouts will be tied into the sewer at the street. So even if some of the homes are walkouts, the sewer is deep enough to collect the runoff from the roof drains, and they'll be tied in through the storm connection at the road.

Mayor Antoskiewicz: So, the green is just land?

Kevin Hoffman (applicant engineer): It is just land. We have worked with Soil and Water and had the water tested with the EPA. The EPA has given us permission to let some of the rain water run off to the green area.

Chairman Castrovillari: So, sub lots 17 through 20 drained anyway into the woods, right?

Mark Holz (applicant): Sub lots 17 through 19 goes to the woods, sub lot 20 will go to the pond.

Chairman Castrovillari: So, you're actually lessening it because sub lot 16 is now going the other way and sub lot 20 is going to the pond?

Mark Holz (applicant): And we are collecting whatever's coming off the roof into the downspouts.

Chairman Castrovillari: So, the creek will get less water, correct?

Mark Holz (applicant): Correct.

Mr. Marnecheck: I want to make sure it is in the record, what is the HOA responsible for?

Kevin Hoffman (applicant engineer): The HOA will be responsible for the basin and any storm sewer that is not within the right-of-way. The HOA will be responsible for the trails, the open grass space, all the blocks utility wise, also the catch basins that are outside of a property but within the block.

Mr. Marnecheck: I'm a little unclear on one of these maps it says "City of Parma" and to me it looked like it was cutting across the driveway.

Mark Holz (applicant): There is a little corner of the driveway that does cross into Parma, but the pond is on North Royalton property. We have gotten approval from Parma. Their condition was that none of the basin would be on Parma's land. So, they were ok with that little corner of the driveway. They also didn't want any utilities or improvement on the pond stormwater on their land.

Mr. Marnecheck: Block A, which is in Parma, is that going to be under this HOA? So, the HOA will be responsible for that as well?

Mark Holz (applicant): Yes, the HOA is responsible for that.

Mr. Marnecheck: Is it possible for a home to be placed there?

Mark Holz (applicant): No.

Mr. Marnecheck: Will that always be the case?

Mark Holz (applicant): Correct. No home, just grass maintained by the HOA.

Mr. Marnecheck: Is it possible for that to also be placed into a conservation easement?

Kevin Hoffman (applicant engineer): I could look at it. I don't know that it's connected to the bigger block of the conservation easement so it's this little piece here which is actually going to be regraded. It's about a quarter of an acre. There will be no house built here, it will just be a block for the HOA.

Mr. Marnecheck: Even though it's in a different municipality?

Mark Holz (applicant): Yes, it's part of the subdivision.

Mr. Marnecheck: I think you had mentioned that if the HOA didn't do something, the city could?

Mark Holz (applicant): What Kevin was saying was, that if a catch basin is on someone's private property and they're not maintaining it, the city does not have the ability to go in and maintain it. We like to put them, catch basins, in a common area in our developments, so that the HOA can maintain them. If the HOA is not maintaining it, the city or county can maintain it. This gives everybody flexibility to do what needs to be done. But in the meantime, the HOA is responsible for maintaining those.

Mr. Marnecheck: That's what I was unclear on. To the Law Director, if the HOA is not maintaining it, can the city do that?

Law Director: Not without authority in the Declaration and Bylaws. I've read the Declaration and Bylaws and they are very nicely written. I'm very happy with the language, except that it was speaking to the basin only.

Mark Holz (applicant): We will put whatever language you want in there that protects the city.

Mr. Marnecheck: It didn't give the city the right to do it. That's what I wanted to be clear on.

Law Director: Part of the thought process behind the relatively newly created ordinance to place a catch basin on every lot was the theory, at least in part, that the homeowner would be made specifically responsible for the catch basin on his or her own property. Now, I know we're doing a nice big HOA here, which is helpful, but by not placing a catch basin on every lot, as I think was the intent of the ordinance, we're now left with this kind of loosey-goosey experience about who's going to be responsible for these things. The whole point of it, from the point of view of the city, at least as I understood it, was that each individual home owner would have an individual catch basin on his own lot and therefore be responsible for the maintenance thereof so that we don't have the problem which we do have everywhere, of people putting up fences, or changing the grade and blocking the water from coming on to their property from their next-door neighbor. The old methodology was, they used to take a row of homes, 10, 15, 20, and they put one catch basin at the end and then whoever up the line decided to change the grade on their property, or put up a fence, would block the water coming in the direction which it was intended to go. The focus, or the purpose of this ordinance, was that we didn't have that problem anymore, that we put a catch basin on every lot. Now, Mr. Chairman, members of the Commission, I understand the logic for what is it sub lots 16, 17, 18 or 17, 18 and 19 but the other ones I don't know. My inclination would be to say that they need to comply with the ordinance.

Mr. Marnecheck: That's where I was coming from and the Law Director articulated it better than I could.

Mark Holz (applicant): In other subdivisions, we've experienced that when they're in the block, it's one phone call to the HOA and they go correct the issue. If it's on individual homeowners, you might have a homeowner that doesn't have any money, that's a snowbird, that's gone for six months out of the year, that they're not doing the work. So, our experience has been that these systems function better when it's in the block because the HOA management company is able to go in and do the work that needs to be done without having to deal with homeowners that change their grade, put a fence up, put a shed over the catch basin, whatever homeowners do, we see it all the time. So, that's part of why we do it. The other reason why they're in the block on the Sprague side, is because of the grade. It's an engineering issue and he had to move them into the block in order to actually make them function.

Law Director: I see the dotted line evidencing the block, if you will, for, what is it, for 11, 12, 13, 14, 15, and 16. Do I see a dotted line there for the easement? How do they access that? Do you have to go through somebody's private property to get there?

Mark Holz (applicant): It's connected to the road and runs out of the right-of-way.

Kevin Hoffman (applicant engineer): There is access for lots 11 through 16, on the south side, that is the same access that going to lead to the green space that we're putting in the path. There is an easement in the back along sub lots 14 and 15. At the suggestion of the City Engineer, we have them in a common storm connection. To go back on who maintains this, there is language on the plat under drainage and stormwater management easements. It states, in the last sentence, "should the Homeowners Association fail to perform these duties, the City of North Royalton may perform the work

and assess of the homeowners for any work or maintenance to the drainage systems, swales, or pond not performed by the Homeowner Association". So, an assessment can be applied to these parcels.

Mark Holz (applicant): If the city has to do work, they could assess the homeowners. Our philosophy in development is, we immediately turn the HOA over to a professional management company. We are not developers that manage the HOA for exactly these reasons. Initially, they will manage all of our subdivisions until there's enough homeowners to foot the bill. But they do not monitor forever, the HOA takes over at some point.

Mayor Antoskiewicz: I'm seeing your logic and I'm still a little concerned on the side that it abuts the conservation easement with those catch basins being in the backs of the lot. My other concern with that has always been, when you put those things in the back of the lot and it abuts the woods, the maintenance becomes more challenging because the leaves and branches fall and wind up covering where the water's supposed to go. That's why in some cases, I'd love to have seen if the catch basins were in the front because they seem to be easier to maintain and manage. Now you are going to have a path which will give some room there, but I just have found that over time when we put those things in the back and it abuts the woods, it creates a problem.

Mark Holz (applicant): Right, which again is why we like to put them in a block because the landscaper that's doing the common area for the HOA would come in with a leaf blower and blow the leaves whereas a homeowner may be blowing the ones that go down there.

Mr. Marnecheck: I have to agree with the mayor because the homeowner is not going to do it.

Mayor Antoskiewicz: What my experience is, is that when we get the heavy rains and those things get covered with leaves, then water doesn't go down. That's my biggest problem and then that's when we get the call. Residents will call stating that they are flooding because the neighbor doesn't want to clean their basin, that's my issue. I'm not sure what style you're looking at, but it's possible to use a beehive type of basin.

Mark Holz (applicant): We don't have a problem with that.

Chairman Castrovillari: Since there were a lot of comments here, I would like to have the Engineering Department clarify if they are comfortable with this layout and this plan on how the drainage is set up?

City Engineer: I think we are from a hydraulic perspective. It'll do the job of collecting the water and getting it to the basin. I feel as though there are enough basins out there to solve the problems that are out there. As we discussed, it doesn't quite meet the code but it does meet the spirit of it.

Chairman Castrovillari: What happens if this HOA fails and their catch basins are not longer in their properties?

Law Director: There is an opportunity for the city then to force the newly created association through the Court of Common Pleas. We could bring an action and ask the court to appoint essentially a new HOA, a receiver of purposes of fulfilling the declaration bylaws, covenants, and restrictions. We surely would not want to have to do that. I don't imagine that would be the case here.

Mayor Antoskiewicz: With the language that they presented that says that the city could go in and take care of it and charge the homeowners. Does that language have any standing?

Law Director: Yes, it does as it's part of the covenants and restrictions but as I said earlier, I'm not sure if it applies to the drainage system that we're talking about here with, theoretically, the individual outlets

for storm water on each individual property. The language I read was with regard to the basin and maintaining the basin. If that same language could be made applicable to the block, I'm not contesting it but the common property wherein all of this stormwater drainage is being collected, if that same language could be specifically applied in the declaration and bylaws, we would be more comfortable. I'd want them specifically described so each block has an identifying letter, so we don't have any argument at a later date about who's responsible and what authority the municipal corporation has to require that to be done, it do it if it isn't done, and assess the homeowners for the problem.

Chairman Castrovillari: Mr. Kelly, is this something that they need to come back with, regarding the language? Or is this something that they could present to the Law Department when they're done, as long as this is approved contingent upon your satisfaction of that language?

Law Director: I'll leave that to the Commission's call. We've had other developers that we found we could not trust. I don't know these people and I'm not saying we can't trust them. They've done a very professional job in every respect, but I'm not going to extend my trust. The Commission would need to extend their trust.

Mark Holz (applicant): We have to work with Mr. Kelly's office on the developer's agreement, so we are not going anywhere. Can we make that part of the developer's agreement process?

Mr. Marnecheck: Is it detrimental if you have to come back?

Mark Holz (applicant): The situation is that we would like to fall the trees if we are going to be able to move forward this summer due to the bats. If we can get a conditional or at least permission to fall the trees, we would not be doing any stump grinding, we wouldn't change erosion, we just want to drop the trees. I will come back as many times as needed. If we cannot drop the trees, the development will not be going in this year and we would need to extend it to next year.

Mayor Antoskiewicz: Does he have a chance? Because he has to file a permit with Engineering to do the trees?

City Engineer: We are prepared to approve it quickly, so it wouldn't be an issue with us.

Mark Holz: The clearing contractor is already registered with the city, so they are ready to go because April 1<sup>st</sup> is the deadline.

Chairman Castrovillari: Justin, would you be comfortable with providing them a tree permit if I propose for them to come back next month with the language for the basins?

City Engineer: Yes, as long as the city's comfortable.

Mark Holz: I just want to be clear. We are going to put in a construction drive, we're putting up the silt fence around the perimeter of the clearing limit, and fall the trees. We will work on the language and come back in a month.

**With no further discussion the Chair asked for a motion to table the application for the final site plan and preliminary plat approval. Also allowing the issuance of the permit for downing trees, installation of the silt fence and construction road to move forward. Roll call: Yeas: Five (DeCapite, Marnecheck, Castrovillari, Ranucci, Antoskiewicz) Nays: None. Motion to approve (5-0).**



- The next Planning Commission meeting is scheduled for **April 3, 2024**.

**ADJOURNMENT:** Moved and seconded to adjourn the PC meeting. Motion carried. Meeting adjourned at 7:54 p.m.

*Minutes Transcribed by Theresa Antal.*

APPROVED: /s/ Frank Castrovillari  
Chair

DATE APPROVED: April 3, 2024

ATTEST: /s/ Ian Russell  
Planning Commission Secretary