

ORGANIZATIONAL MEETING
BRECKSVILLE PLANNING COMMISSION
Community Room - Brecksville City Hall
January 3, 2013 Page 1

Present: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Absent: Ron Payto, Kirk Roman
Others: Neil Brennan, Gerald Wise, and approximately 6 guests

Council Representative Harwood opened the Organizational Meeting at 7:05 P.M. by requesting nominations for the position of Chairman of the Planning Commission.

Mayor Hruby nominated, and Mr. Sciria seconded the nomination of Mr. Roman as Chairman of the Planning Commission. As there were no further nominations for Chairman, Councilman Harwood called for the vote.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby,
Dominic Sciria
Nays: None
MOTION CARRIED

Mr. Harwood nominated, and Mayor Hruby seconded the nomination of Mr. Sciria as Vice Chairman of the Planning Commission. As there were no further nominations for Chairman, Councilman Harwood called for the vote.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby,
Abstain: Dominic Sciria
Nays: None
MOTION CARRIED

Mr. Sciria nominated and Mayor Hruby seconded the nomination of Mr. Badalamenti as Secretary of the Planning Commission. As there were no further nominations for Chairman, Councilman Harwood called for the vote.

ROLL CALL: Ayes: Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Abstain: Phillip Badalamenti
Nays: None
MOTION CARRIED

The Organizational Meeting was closed at 7:10 P.M.

THE BRECKSVILLE PLANNING COMMISSION
KIRK ROMAN, CHAIRMAN
DOMINIC SCIRIA, VICE CHAIRMAN
PHILLIP BADALAMENTI, SECRETARY

Minutes recorded by Nancy Dimitris

PUBLIC HEARING TO CONSIDER A FRONT SETBACK FOR 9005 SNOWVILLE RD.
BRECKSVILLE PLANNING COMMISSION
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Present: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Absent: Ron Payto, Kirk Roman
Others: Neil Brennan, Gerald Wise, and approximately 6 guests

Mr. Sciria opened the Public Hearing at 7:10 P.M. by reading the following legal notice published in the December 20, 2012 issue of the *Sun Star Courier*:

The City of Brecksville Planning Commission will hold a Public Hearing at 7:00 p.m. on January 3, 2013 in the Community Room of Brecksville City Hall, 9069 Brecksville Road, Brecksville, Ohio, to establish a front setback of approximately 444.1 feet at 9005 Snowville Road, Brecksville, Ohio (PP #605-15-007) for a new single family dwelling.

Mr. Paul Maleski was present to request a 444.1 foot front yard setback for the single family home he would like to build on Snowville Road. He displayed a preliminary site drawing depicting the three structures currently on the site, which would be razed, and the proposed location of his new home. The two story, 5,500 sq. ft. home would have a four car side-loading garage. He expected construction to be complete in about a year.

Ms. Marge Pristas, 8545 Snowville Road, a next door neighbor, was concerned about the people currently residing in the house on the site who have dogs creating a disturbance and a safety issue. Mrs. Pristas felt that the tenants were running a "puppy mill". Ms. Carol Faber, 9303 Snowville Road, also had an issue with the dogs on the site. Mr. Maleski advised that the house was leased through the end of July and he thought their recourse on the dog issue with the tenant would be through the City. He had no intention of re-leasing the house after July. At some point after July 31st the house would be razed through a controlled test burn arranged with Cuyahoga Community College. Mr. Hotaling asked if there could be a reason for early termination of the lease, such as the start of construction on the new home. Mr. Maleski indicated he had a provision in the lease to access the property for construction, but he knew of no way to terminate the lease early.

Mr. Jim Pristas, 8545 Snowville Road, noted that the drawing being shown was incomplete in that it did not show the lakes on both properties and only about half the features on Mr. Pristas' property. He asked why the Commission was considering a setback over three times the 125 ft Code requirement. Mr. Pristas thought the idea of an established Code setback was to line homes up with both a front and back yard so no home would be further back looking into the back windows of the adjacent home. Mr. Sciria explained that the Code provides for Planning Commission consideration of special circumstances, such as older neighborhoods developed before Code requirements where setbacks vary. Mayor Hruby noted that the homes on Snowville tended to be built in small groups, some close to the road, and some set further back, with a visually pleasing result. Mr. Pristas did not like the idea of a house behind his house with a view through his back windows. He described his property as a gentleman's farm with horses, goats and chickens. He felt Mr. Maleski would ultimately be dissatisfied with his house placement adjacent to the Pristas' horse barn, rough pastures and the attendant flies, mice and animal odors.

Messrs Badalamenti and Harwood pointed out that Mr. Maleski's drawing was only intended to be a preliminary, rough site plan and any structures on the Pristas property were only shown as points of dimensions. Ms. Pristas passed out pictures of their structures as they would relate to the proposed house. She was not satisfied with the accuracy of the site map layout and also mentioned the infringement of an asphalt driveway on their property. Mr. Maleski remarked that he hoped to preserve trees on the site by setting the house that far back. Ms. Pristas questioned whether there were more than a couple trees he was considering. Mr. Sciria suggested an ALTA survey which would definitively mark property lines and map out all features on the site, including trees. Mr. Maleski indicated that if he were stymied from building on the site he would have to continue to rent the property.

Ms. Pristas noted the spring fed lakes on both properties and wondered if there would be any sewage or chemical runoff from the house or lawn that would affect her lake and pasture. Mr. Wise indicated both homes would be hooking up to the sanitary sewers and the homeowner had the same right as all homeowners to fertilize his lawn

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within EPA requirements. He noted that stormwater was not regulated on a single, residential lot. Mr. Wise advised that downspouts and drainage would be part of the engineering review when a site plan was submitted.

Mr. Pristas mentioned that his septic system runoff flows directly through where the proposed house was located. If construction were to begin before the sanitary sewer hookup his septic system would fail and sewage back up into his home. Mr. Wise indicated that 60 day notices were just issued and he felt sanitary hookup would occur well before any construction on the property.

Mr. Pristas asked what options for opposition were available to him should the Planning Commission move forward with the requested setback. Mr. Sciria advised that the Planning Commission's function was to make recommendations to City Council, and if the Commission recommended approval, Mr. Pristas could take the issue up with City Council.

There were no questions from the public and no further discussion. The Public Hearing closed at 7:46 p.m.

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REGULAR MEETING
BRECKSVILLE PLANNING COMMISSION
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Present: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Absent: Ron Payto, Kirk Roman
Others: Neil Brennan, Gerald Wise, and approximately 6 guests

In Mr. Roman's absence Mr. Sciria opened the Regular Meeting of the Planning Commission at 7:46 P.M.

APPROVAL OF THE REGULAR MEETING MINUTES OF DECEMBER 6, 2012

It was moved by Mr. Sciria and seconded by Mr. Harwood that the Planning Commission Regular Meeting Minutes of December 6, 2012 be approved.

ROLL CALL: Ayes: Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Abstain: Phillip Badalamenti
Nays: None
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF DECEMBER 6, 2012

It was moved by Mr. Sciria and seconded by Mayor Hruby that the Minutes of the Planning Commission Work Session of December 6, 2012 be approved.

ROLL CALL: Ayes: Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Abstain: Phillip Badalamenti
Nays: None
MOTION CARRIED

SIGNS

GLOBAL LIGHTING TECHNOLOGIES, INC. – 55 ANDREWS CIRCLE

Mr. Mark Pratt, General Manager of Global Lighting Technologies, Inc., was present to request a replacement wall sign for his business. Their building is white brick and they propose to put black lettering directly on the brick at a slightly smaller size than the existing sign. The sign met Code requirements and there were no questions from the Commission.

It was moved by Mr. Sciria, and seconded by Mr. Harwood, that the Planning Commission approve, and the Building Commissioner issue a permit for, a 17.95 sq. ft., 2-color, permanent, wall identification sign for Global Lighting Technologies, Inc. (Fogg Snowville Two, LLC, . Owner) 55 Andrews Circle, PP #604-23-005, as described in the application dated November 2, 2012, and attached drawing by Brilliant Electric sign dated October 10, 2012.

ROLL CALL: Ayes: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Nays: None
MOTION CARRIED

REPORT OF COUNCIL REPRESENTATIVE - No Report

REPORT OF MAYOR HRUBY

Mayor Hruby reported that 2013 was the year for a Charter Review. A Charter Review Commission consisting of nine residents and one alternate has been appointed. There are sections in the Charter dealing with the Planning Commission and Mandatory Referral. The Mayor suggested Commission members may wish to review those sections before they were invited to a meeting of the Review Commission eliciting their comments and/or

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suggestions. He expected to know within a month when the Planning Commission would be on the Review Commission's agenda. The Review Commission's recommendations would go on the ballot and could not be changed by City Council.

Mr. Sciria was sworn in at City Council for his next term on the Planning Commission which will be his 20th year on the Commission. The Mayor offered his congratulations along with same to Messrs. Skaljic and Harwood re-elected as City Council President and Vice President respectively.

REPORT OF CITY ENGINEER – No Report

The Regular Meeting closed at 7:52 p.m.

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MINUTES OF THE WORK SESSION
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Present: Phillip Badalamenti, Michael Harwood, Robert Hotaling, Mayor Hruby, Dominic Sciria
Absent: Ron Payto, Kirk Roman
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Mr. Sciria opened the Work Session Meeting at 7:52 p.m.

MALESKI FRONT YARD SETBACK – 9005 SNOWVILLE ROAD

Mr. Sciria referred to the public hearing earlier in the evening where Mr. Maleski presented his request for a 444.1 sq. ft. front yard setback to construct a single family home and the Commission heard comments from the public. Considering comments made at the public hearing Mayor Hruby had some concerns about the proposal:

- The neighbors made some valid points, and Mayor Hruby wondered if Mr. Maleski could work with them to find some common ground to resolve the issues.
- Was Mr. Maleski building the home for himself? Sometimes people build homes for speculation, not intending to live in them long term.
- The Mayor felt more information was needed in the way of setbacks along Snowville, a detailed survey showing property lines and the accurate placement of existing buildings, ponds, and trees. He thought Commission members needed to visit the site with the proposed house location staked.

Mr. Maleski remarked that he was not a builder. He sold his home in Broadview Heights and purchased the Snowville acreage to build and live on with his wife and three children. He has 50 acres in Ashland, but prefers the Brecksville/Broadview Heights school system and the Snowville property for his home. Mr. Maleski has been in the steel industry since college and also owns a business that works with northeast Ohio school systems, including Brecksville/Broadview Heights, in creating revenue. He loves nature and doesn't mind the adjacent horse barn. Mr. Maleski tried unsuccessfully to buy the adjacent 6 ½ acres with the thought of eventually having horses himself.

Mr. Maleski offered to obtain the ALTA survey suggested at the public hearing, but was committed to placing his house where it would not involve the removal of the trees at the front of his property. Mr. Hotaling suggested having grade elevations and swales as they might relate to drainage included on the survey map. Mr. Sciria pointed out that a site grading plan would have to be provided as part of the permit process. Since that could also impact the exact location of the home on the lot, Mr. Maleski would be well served to take Mr. Hotaling's advice. Mr. Wise asked that Mr. Maleski's survey firm contact him for the survey details required. He noted that the proposed house corners should be staked so Commission members could orient it with the adjacent property buildings. The Commission would give notice to Mr. Maleski of the date and time of their visit. The Commission also requested an aerial view of the lot and adjacent properties and superimposed on top of it, the existing structures and proposed home location. The Building Department would determine the setbacks of seven adjacent properties in either direction from Mr. Maleski's lot to help determine an equitable setback.

Mr. Badalamenti thought that, especially if this was the first time Mr. Maleski heard of the neighbor's concerns, he could reflect on them before the next time the proposal came back to determine how critical his setback request was and whether there was some common ground where an agreement could be reached.

The Work Session closed at 8:10 p.m.

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