

REGULAR MEETING  
BRECKSVILLE PLANNING COMMISSION  
Community Room - Brecksville City Hall  
January 23, 2020 Page 1

Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman,  
Dominic Sciria  
Others: Eric Hall, Gerald Wise, and 21 guests

Mr. Roman opened the Regular Meeting of the Planning Commission at 7:00 p.m. Mr. Harwood joined the meeting at 8:00 p.m. during the Hidden Hollow discussion.

APPROVAL OF THE JANUARY 9, 2020 PUBLIC HEARING MINUTES ON THE BBHCSD ELEMENTARY SCHOOL AND FIELD HOUSE

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission January 9, 2020 Public Hearing Minutes on the BBHCSD Elementary School and Field House be approved.

ROLL CALL: Ayes: Michael Bandsuh, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE REGULAR MEETING MINUTES OF JANUARY 9, 2020

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission Regular Meeting Minutes of January 9, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE WORK SESSION MEETING MINUTES OF JANUARY 9, 2020

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission Work Session Meeting Minutes of January 9, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE JANUARY 16, 2020 PUBLIC HEARING MINUTES ON ZONING CODE SECTION 1157.03 DEFINITION CLARIFICATIONS

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission January 16, 2020 Public Hearing Minutes on Zoning Code Section 1157.03 Definition Clarifications be approved.

ROLL CALL: Ayes: Michael Bandsuh, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE JANUARY 16, 2020 PUBLIC HEARING MINUTES ON OFFICE-LAB MAIN USE WITH M-D CONDITIONAL USE

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It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission January 16, 2020 Public Hearing Minutes on Office-Lab Main Use with M-D Conditional Use be approved.

ROLL CALL: Ayes: Michael Bandsuh, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

APPROVAL OF THE SPECIAL MEETING MINUTES OF JANUARY 16, 2020

It was moved by Mr. Roman and seconded by Mr. Sciria that the Planning Commission Special Meeting Minutes of January 16, 2020 be approved.

ROLL CALL: Ayes: Michael Bandsuh, Mayor Hruby, Eric Lahrmer, Ron Payto,  
Kirk Roman, Dominic Sciria  
Nays: None  
MOTION CARRIED

REPORT OF MAYOR HRUBY - No Report

REPORT OF CITY ENGINEER - No Report

The Regular Meeting closed at 9:15 p.m.

THE BRECKSVILLE PLANNING COMMISSION

KIRK ROMAN, CHAIRMAN  
DOMINIC SCIRIA, VICE CHAIRMAN  
ERIC LAHRMER, SECRETARY

Minutes recorded by Nancy Dimitris

MINUTES OF THE WORK SESSION  
BRECKSVILLE PLANNING COMMISSION  
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Present: Michael Bandsuh, Michael Harwood, Mayor Hruby, Eric Lahrmer, Ron Payto, Kirk Roman, Dominic Sciria  
Others: Eric Hall, Gerald Wise, and 21 guests

Mr. Roman opened the Work Session at 7:03 p.m.

HIDDEN HOLLOW SUBDIVISION – WJ BAILEY HOMES – 5324 MILLER RD.

Ms. Kimberly Kerber, Mackay Engineering & Surveying Company, and Mr. William Bailey, W. J. Bailey Homes, were present on behalf of a request for a single street, 15 lot subdivision off Miller Road. Ms. Kerber reviewed revised preliminary plans for the subdivision that incorporated changes suggested by the Planning Commission when the proposed subdivision was last considered at its December 5, 2019 meeting. Mr. Roman noted, for the residents present, that tonight's meeting would not involve any voting on the plan, and was only focused to possibly setting a public hearing.

Ms. Kerber noted that since the plan was last discussed in December the following documents have been added to the plan:

- Preliminary HOA documents
- Preliminary grading
- Location on S/L 1 designated for signage and sidewalks shown along Miller Road
- Preservation easements shown along the wetlands
- Detail provided on how the entrance lines up with the driveway across the street
- Preliminary storm water management map
- A traffic study indicating no impact from the subdivision on Miller Road
- Preliminary landscape and signage plans to soon be submitted

Ms. Kerber indicated that the pond on the property would be filled and a swale provided to route the drainage along Miller Road away from the Zak property to the retention area at the rear of the site, which should reduce the drainage onto the Zak property from 2.75 acres to .3 acres.

Mr. Wise had the following comments:

- The wetlands shown on the site plan are confirmed by the Army Corps. A permit would be required before any filling of wetlands on the site.
- Drainage along Miller Road would be routed through the subdivision to the retention pond at the rear of the property.
- Development entrance moved westerly, away from the Zak property.
- Additional landscaping focused on screening the Zak property would be provided
- Grading shows homes set 8-10 ft. below homes adjacent to the subdivision – may require landscape buffering

Mr. Wise advised that a gravity sanitary sewer was planned, which would have to be very deep and consequently quite expensive. Mr. Sciria asked if blasting would be permitted. Mr. Wise responded that blasting would not be permitted in a developed area with existing utilities in place.

The Mayor asked if Mr. Bailey planned to clear cut the property of trees. Mr. Bailey planned to leave as many trees as possible. The Mayor recalled that same preservation promise made by Mr. Bailey's brother for the extension to Glen Drive, which ultimately ended with clear cutting the property. Mr. Bailey cited lots he himself has developed, preserving trees.

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Mr. Roman mentioned two letters directed to the Planning Commission on the subject of the proposed Miller Road subdivision that would be included and made part of the minutes: 1. January 23, 2020 letter from Randy Zak, 5520 Miller Road, and 2) January 21, 2020 letter from Almut (Teuffel) Zvosec, 10115 Barr Road.

Members of the public present were invited to comment. Mr. Ken Stefanov, 5300 Miller Road, wondered what would happen if the sanitary sewer didn't work. Mr. Wise described the challenge and the process of installing a gravity sewer in that area. He also mentioned that the developer would be putting money in escrow, for the subdivision, to protect the City. Mr. Wise indicated that a gravity sewer was the only option the City was willing to consider for the project.

Mr. Stefanov wanted a definition of preservation areas. Mr. Wise responded, that at this preliminary stage, wetland areas were being identified by the Army Corps of Engineers. The developer would require a permit from the Army Corps and EPA to develop the subdivision, avoiding the designated wetlands and including any areas of wetlands that would be disturbed and/or might require mitigation. Once the subdivision is fully developed signage designating wetlands preservation areas might be required, as well as a third party monitoring company. Typical restrictions on wetlands would include prohibitions on cutting trees, changing grade, traffic through the area, and building any kind of structure, i.e. fencing, playground, pool, etc.

Mr. Randy Zak, 5520 Miller Road, made reference to his January 23, 2020 letter to the Planning Commission in reference to his interest in a definitive traffic study of the area specifically as it pertains to the development of the proposed subdivision, the Crow and Fogg properties, Valor Acres, and a new I-77 ramp and how all the additional traffic would impact Miller Road.

Mr. Zak asked why the land along the northern part of his property couldn't be sloped toward the road so the water ran to the sewers and not toward his house. He also asked why the wetlands area close to his property couldn't just be filled in. Mr. Wise responded that with the cutting of the new road the plan was to divert over two acres of the drainage flowing to the Zak's property to the retention pond at the rear of the site. He remarked that the wetlands area adjacent to their property was not identified to be filled. The Army Corps would require justification to disturb that area. The Army Corp might, however, agree to the planting of wetland species of trees over that wetlands.

Mr. Anthony Zak asked what recourse they would have if their water problems worsened after the development of the property. Mr. Roman remarked that property owners have a right to develop if they can meet the ordinances and code requirements of the City. Even given that compliance to Code the review process toward approval, or no approval, was long and arduous. Mr. Lahrmer noted that the developer had been asked by the Commission to focus on solving drainage issues and it appeared he was addressing them. Ms. Zak commented that the entire property was covered by both surface and underground wetlands, rivers, streams, creeks and ponds. She questioned whether any plan to divert water from her property would work, as "water will find its way". Mr. Lahrmer commented that the Zac's acknowledged a water problem now, and he asked if it wasn't worth the potential risk they worry about to see if a plan to divert the water flowing toward their house would relieve their situation. Ms. Zac mentioned the Glen Oakes development in Broadview Heights, built in a wetlands area, where drain tiles, sewers, grading and retention were employed with the end result of every home experiencing flooding.

Mr. Bandsuh believed that given the developer's right to develop within the Code, he would like to see the Commission do its utmost to make sure residents were not adversely affected by that development. Beyond providing better drainage toward the Zak property, he suggested landscaping and mounding to further screen their property from the development. Mr. Payto said it appeared the Zak's drainage problem could be improved by 90%. He felt that the real challenge with the clearing of trees for development would be to screen the Zak's property from the adjacent wetlands and from traffic on Miller Road.

Ms. Anna McCallion, 5554 Miller Road, asked for a second and third opinion that the proposed swale between her property and the Zak's would actually work.

Messrs. Sciria and Payto suggested that removing the small preservation area adjacent to the Zak's property and extending the swale would be an improvement to the plan. Ms. Kerber said the national Army Corp permit they

have applied for allows them to fill up to .5 acres of wetlands and they have already identified .4 acres, which did not include the wetlands next to the Zak's property. She didn't think they could justify filling that small wetlands area. It was suggested the developer might need to reassess the plan layout to adjust the .4 acres so the other wetland area could be included, even if it reduced the subdivision by a lot. Mr. Harwood commented that the Planning Commission has often had to ask for modifications in development plans without consideration to the financial success of developments.

Mr. Tom Milluzzn, 5200 Miller Road, asked if anyone had contacted the EPA relative to Section 44 – that deals with the Clean Water Act. Mr. Wise advised that the Army Corps of Engineers consults with the Ohio EPA. The Army Corps has issued a JD letter confirming the wetlands designations on the property. An actual permit from the Army Corps would be required before the development could move forward.

Mr. Roman asked Commission members to summarize what information they would require from the applicant before taking a vote to set a public hearing. Two options were identified, requiring further consideration, by the developer:

1. Removing the small wetlands area adjacent to the Zak property and extending the swale
2. Leaving the wetlands area and providing screening to buffer that area from the Zak's property

Mr. Sciria asked that the developer contact the Patel family directly across from the subdivision entrance to see if they had any line-of-sight issues with the location of the entrance. Some discussion ensued relative to potential problems with subplot layouts and angles. They provided some feedback to the developer to consider before a future Commission meeting when the individual subplot layout would be addressed in detail. It was suggested a soil report be submitted as soon as possible as it might impact the development layout. The Mayor mentioned feeling the plan represented an over development of that area.

Ms. Almut Zvosec, 10115 Barr Road, made reference to her January 21, 2020 letter to the Commission referencing the many sources of water flowing to the proposed development site. Ms. Christina Ziegler, 10143 Barr Road, made reference to a portion of the City's Master Plan, relative to development aspects, having a negative impact on surrounding properties. Mr. Roman reiterated a statement made earlier that a property owner was entitled to develop his land in accordance with the ordinances and codes of the City. Ms. Ziegler was concerned with development on wetlands and the removal of trees. Ms. Kathy Roberts, Miller Road, said it looked like a lot of development for 23 acres of property. She expressed her appreciation for the amount of consideration the Commission was providing for residents on this proposed project. She hoped there was no reason to rush decisions on development of this property.

#### ATS EXPRESS – 9240 NOBLE PARK DRIVE

Present: Andre Stodolskiy  
Alicia Stull  
Joe Zumpano

ATS Express was described as a business that would involve the short term parking of mostly semi sized vehicles on the Noble Park Drive site with some vehicle maintenance performed in the existing building. The request was to develop 38 semi-sized parking spaces to the rear of the building.

The Mayor asked if materials would be stored on the site and Mr. Stodolskiy responded that only vehicles would be parked on the site. The working hours for the business would be normal, daytime business hours. Commission members asked if the business was a depot, which would not be a permitted use by City Code. It was determined that the City Law Director would be consulted for a definition of a truck depot before any further consideration of the request would proceed.

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The Work Session closed at 9:15 p.m.

THE BRECKSVILLE PLANNING COMMISSION

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Minutes recorded by Nancy Dimitris