

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

November 8,

21

The City of Cortland Planning, Zoning & Building Commission met on Monday, November 8, 2021 at 7:00 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Curt Moll, Sally Lane, Don Bell, Don Fatobene and Brian Hodor. Also present were Mayor Deidre Petrosky, Law Director Patrick Wilson, Service Director Kim Blasco and the following individuals:

Karen Loprie	180 Portal	Cortland
Matt Smith	136 Southdale	Cortland
Karen Clarke	105 Vine Tree	Cortland
Karen Peters	112 Thornhill	Cortland
Suzanne Papp	148 Southdale	“
Fran & Connie Jenkins	141 Southdale	“
Dave Seikle	225 Laura Ln	“
Tommy Simpson	70 Laura Ln	“
Robert Toot	125 Thornhill	“
Matt Bellin	327 Country Club Dr.	Warren
Richard Irwin	116 Thornhill	Cortland
Richard McClain	309 Copperlake East	“
LuAnn Mathews	105 Aspen Pl.	“

Curt Moll: It is 7:00, Monday, November 8, 2021. I'd like to call to order the regular meeting of the City of Cortland Planning, Zoning & Building Commission. Can we have a roll call please?

Roll Call: Brian Hodor, here; Sally Lane, here; Curt Moll, here; Don Bell, here; Don Fatobene, here.

A motion to approve **Commission Minutes form the October 11, 2021** meeting was made by **Sally Lane** and seconded by **Don Fatobene**.

Curt Moll: Any discussion on the minutes, corrections? Can we have a roll call please?

Roll Call: Sally Lane, yes; Brian Hodor, abstain; Donald Fatobene, yes; Curt Moll, yes; Don Bell, yes. **MOTION APPROVED.**

Curt Moll: We have no old business. The first item of new business is **39-21 – Home Occupation** – 70 Laura Lane – on-line firearm sales. Can we have a motion please?

A motion was made for 39-21 by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: Thank you. Come to the podium, give you name, address and tell us what you want to do.

Tom Simpson: My name is Tom Simpson. I moved into 70 Laura Lane just last year. I'm starting up a retail store for... It's going to be all online; for firearms, firearm parts. I wanted to get approval before I move forward with anything else. I also need approval before I can apply for my FFL. I know that there were some concerns; a possibility of high foot traffic. There won't be, very rarely. It's mainly going to be online and very little stocking. There won't be anything outside or in the garage. It will be in my office space.

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Curt Moll: Deliveries?

Tom Simpson: Just regular Fed Ex, UPS, nothing like semi-trucks. Just small packages, nothing out of the ordinary.

Curt Moll: I couldn't understand why you were coming for approval because I'm not sure that you would require it. Since you have to have it to get your license, I can understand that.

Tom Simpson: Yes, I have to have approval from the county or township and the police department.

Curt Moll: Exactly. Are there any questions from the board? Are we okay with that?

Patrick Wilson: Yes, I think that we have been through this one other time and I remember the issue being; they needed it also for their federal firearm license. You expect very little traffic?

Tom Simpson: Maybe once in a while, it's not going to be an everyday thing. It's primarily only online. This is only for this year. I am going to be trying to open up my own shop in the Cortland area outside of the house. This is just temporary.

Don Bell: So, we don't have to worry about parking or signage or anything like that?

Tom Simpson: No, oh no. Nope, nope.

Patrick Wilson: You haven't applied to the city's police department?

Tom Simpson: Not yet. I wanted to come here first, get the approval. I actually have my stuff with me, but I will do that tomorrow.

Curt Moll: No other questions, can I have a roll call please?

Roll Call: Curt Moll, yes; Don Bell, yes; Sally Lane, yes; Don Fatobene, yes; Brian Hodor, yes. **MOTION APPROVED.**

Curt Moll: The next item **40-21** was cancelled. I'm not sure why but we were notified that it was. The next item is **41-21 – New Sign** – 2865 Wilson Sharpville Rd. – Pole-mounted sign – 30.52 sq ft, 12 ft high, internally lit. Can we have a motion for that please?

Don Bell made a motion for **41-21**, seconded by **Don Fatobene**.

Curt Moll: Do we have someone to speak to this?

Matt Bellin: Hi, I'm Matt Bellin, I live at 327 County Club Dr. in Warren, I'm the owner of Bulldog Storage. I'm here to seek approval for my proposed sign. As you see, it's a 6'x 5' illuminated sign, it fits within the size parameters and also the height of the pole fits within the height parameters. In talking with Kim over the original design, we also came up with a counter proposal of possibly a ground mounted sign versus a pole mounted sign. She suggested maybe something on 305 versus Southdale. The problem with that is, we ran all of the electric and everything else for the entrance area on Southdale. That's where everything is now. I did talk to my electrician on the way here, there is an opportunity to possibly trench out to the corner of 305. I'm concerned with maybe the blockage of sight so I don't know if that will be an option or not. I'll do everything that I can to move it to a different area so we can work with all of the

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neighbors if I can. So, pole sign at the site, that was the initial plan. I can live with a ground mounted and if possible, I will move it up towards 305.

Curt Moll: Okay. Have you looked at solar power possibly?

Matt Bellin: Yeah, Kim brought that up as well. I talked to my sign guy too. I don't think that the technology is quite there yet especially for 30 sq ft of sign space, to illuminate it.

Curt Moll: That's surprising. I think that we have some other people using that and it's been very successful with the signs we put in for the school zones. Up to this point at least. So we have two options here really. Providing additional drawings for a ground mounted sign and a location pretty much.

Matt Bellin: Correct. Challenging about the ground out there; I've got my retention ditch there of course, there is utilities that run through there, it's like walking through a mine field. It's tight no matter where you go, there is not a whole lot of room to work with.

Curt Moll: Questions from the board?

Brian Hodor: Yes, I've got a few. We are not allowing this to be open to residents to voice their opinions. Is that correct?

Patrick Wilson: That is correct. That's not how Zoning works.

Brian Hodor: Right, so I can speak on behalf of the residents.

Patrick Wilson: You can speak on things that you have been told or issues that have been raised to you because you are going to be voting on it.

Brian Hodor: Correct, so my issue with this is, it incurs into the buffer, the residential buffer. On the original site plan we don't talk about anything but arborvitae. I was not on the board at the time but Don Bell asked if there was going to be signage. You said, and I quote, this is from the meeting March 9th of 2020. You said, "If there is, it's just going to be mounted to the building, not pole signage or anything like that. We'll do our best; I know that it's residential, to blend into the surrounding area." So, with that being said, I don't see any way possible that that should be on Southdale in a residential entrance to a neighborhood. That should be nothing but arborvitae there to separate and give the buffer. Especially for the neighbors that are right across the street. My other concern with it is that it is light emitting. There was other talk about that in the minutes about your security lighting, no pole lighting; which you don't, you just have it shining down on the building. You were trying to eliminate as much light emittance as possible for the neighbors. Whereas with this sign being there, ...will project a lot of light to the neighbors. If sitting on their porch, they will be staring at that instead of being able to look at trees. I firmly believe that it should be along 305, ground mounted and solar lit with a light shining on it. This is the opinion that I have heard from some of the residents in what they would like to see. This is rather than having a light emitting sign that's on a residential entrance and it would then incur into the buffer which is reserved for the purpose of blocking the view from residential use of the abutting commercial or industrial use. That is from our definitions, 1113.02 and it should be clear of any structure as well. A structure is defined in our ordinances as anything constructed or erected which requires permanent location above grade. In his exclusions, signs are not one of those. Those are some concerns that I have heard from the residents and I think that it should definitely be on 305.

Matt Bellin: From my understanding, the side yard buffer is different than the rear yard buffer. Rear yard, 30 feet, side yard, if I'm not mistaken, 10.

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Kim Blasco: Correct.

Matt Bellin: So, it actually would be within the buffer, both the rear and side yard. So, this would comply, I'm not asking for a variance, with your written rules. If you want to quote me from almost two years ago, whether or not I could put a sign up there... My plan was to put one on the building. Actually, your ordinance does not allow a sign to be mounted to the building which exceeds the height of the building so I can't mount it to the building. So, the plans had to change based on your zoning ordinances. That is why we had to adapt and...

Brian Hodor: Can't you have a banner type sign that can go above the doors, below the roof line? Something along those lines that...

Matt Bellin: If you look at the pictures, there is no room between the top of the doors and the roof.

Curt Moll: Any other comments? I guess that I'll ask Patrick, since we have alternatives here, what course of action do you suggest in this situation?

Patrick Wilson: Well, there are alternatives, I've heard a couple put out on the table tonight. You could continue the hearing until next time and give the board another 30 days to study it and work with the owner on different options and bring it back for a vote at the next meeting.

Curt Moll: If we approve it tonight, with this particular footprint, there would be really nothing that would keep him from doing whatever he'd want to do.

Patrick Wilson: I don't follow you. He could only do what he asked for approval to do.

Curt Moll: Which was to put it where it is.

Patrick Wilson: Correct, yes. If you approve it in the way that it has been submitted.

Curt Moll: How much of a hardship would it be to wait for another month?

Matt Bellin: Weather is an issue. I'll do everything I can to work with the alternate plans. I believe that all three proposals that I put before you though, they comply with zoning.

Curt Moll: Absolutely, and I understand that, I'm not questioning that fact. I'm just trying to come up with a solution so we can feel comfortable with what we are actually voting on.

Don Fatobene: Right, does he kind of need to narrow down the way that he wants us to approve? We have options. If it's something that we say yes to one and no to the other... What is option 1 and have us vote on that.

Patrick Wilson: He has filed the application, that is what you have to vote on. If he amends it tonight and gives you a specific alternative to vote on, then you would vote on that. Short of that, you have to vote on what his application says.

Don Fatobene: Curt, can you read off the application to everybody?

Curt Moll: The application for this particular sign is a pole sign 73 1/4" x 60", 30.52 sq.ft. probably per side. Correct?

Matt Bellin: Right.

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Curt Moll: Internally lit, 144” tall and that is basically all it says. We have pictures of course. You have indicated that you will attempt to, if possible, move it out to 305. You do get 10 times the amount of traffic on 305 as there is on Southdale so there is a definite advantage for your business. But again, it’s your business, your property so what you are doing is absolutely permitted. Kim do you have anything to say?

Kim Blasco: No, he’s right. He has complied with the zoning rules. He is outside of the 30-ft. buffer, we did discuss that. He is right, there is not a whole lot of room, I’ve looked at the plans. He’s juggling utilities and the detention ditch out there. We could come up with a couple different scenarios as were discussed tonight and was suggested. It’s ultimately not my decision.

Curt Moll: No, I was just asking for your opinion at this point.

Don Fatobene: My question was, we have the pole mounted sign option in front of us. If he was willing to switch it to the ground mounted option, he needs to amend that tonight. Is that correct?

Patrick Wilson: That is correct or push it a month and come back at the December meeting for further discussion and options.

Curt Moll: I guess that the site line issue, if it were moved out to 305, may become a big issue that we would have to deal with. In that case a pole sign might be a better alternative than a ground one because of line of site.

Brian Hodor: But you’ve also got wall sign number 2 that’s on the door and you put another sign on the second door with a number, a website, whatever else you want. Shine a light onto that so it’s highlighted at night. It’s still accomplishing the same thing that any other sign would.

Curt Moll: But that’s his decision though, it’s his property.

Brian Hodor: I understand that but looking around the room, there is an awful lot of people here that I think are all here in opposition to this. I don’t think that anyone else here, other than Matt, is here in support of the sign. I realize that is not exactly what we are debating today, but when we go back and look at the site plan, it was spoken that it was not going to be part of the plan. So, we approved that plan last year. Now we get a request for a sign that’s different then what was stated in the original plan.

Curt Moll: That is true, and it was a concern of mine as well. I think that is why we are hoping that you can come to some kind of agreement with putting it on 305. There was a lot of concern expressed at that meeting about the appearance in the neighborhood. This certainly does go against what we said. It was a long time ago, I don’t argue with that.

Brian Hodor: I understand that it was a long time ago but, I don’t think that time should make a difference; that we should relax what was talked about in that meeting. It’s coming up on almost two years ago.

Curt Moll: Yes, but the point being, it is zoned Service. He is allowed to do all of those things within that zone. It has been that way for a long time, at least from ’95.

Brian Hodor: Right, and I understand completely. I’m just saying that, for the people who live right there on Southdale, those two houses, they’ve got that to look at from their front porch, looking out their window. As a business owner, I don’t think that it accomplishes a whole lot, to have that sign there. Everybody that comes into that neighborhood, they pass your building at least once a day; they know that it’s there. If they want to rent it, they will figure out how to call you. It’s the people driving on 305

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that are going to see it. They are probably not going to notice that from that far set back to where that driveway is on Southdale. Even as a business decision, it's more of a nuisance to the neighbors and it doesn't accomplish what a sign on 305 would.

Patrick Wilson: You have one other option and I know that Mr. Bellin isn't in favor of this as he said a few minutes ago. But, your board can vote to table it for a month. It's at your option if you have the votes to do it. Someone on the board would have to make a motion to do that, we'd have to have a second and you'd have to have agreement.

Brian Hodor: I'll motion to table it.

Curt Moll: Is there a second?

Sally Lane: I'll second it.

Curt Moll: We'll need a roll call.

Roll Call: Brian Hodor, yes; Sally Lane, yes; Don Bell, yes; Don Fatobene, yes; Curt Moll, yes. **MOTION APPROVED.**

Curt Moll: I guess that the concern that I have...that we don't kick it too far down the road so that he can't get done what he wants to do. It will give him time though to examine alternatives and maybe come in with a solid... what you have to do. I apologize for the delay but I think that it's the best course at this time. At least the board seems to think so.

Matt Bellin: Is there any information from now until the next meeting that you expect to glean from having 30 days to work on this?

Curt Moll: No. You said that you had a number of things that you might be able to do, I guess what I'm looking for is a firm answer on, is it a 'might be able to' or is it a 'can you do it'?

Matt Bellin: It's more of 'if I had to do it'. If you don't like Plan A, fine I'll try Plan B or C.

Curt Moll: I guess that you can see that the neighborhood doesn't like it.

Matt Bellin: No, they haven't liked me since I put the first building up...(unintelligible).

Curt Moll: The next item on the agenda, I need a motion for a new sign **42-21 – New Sign** – 2865 Wilson Sharpsville Rd. – Wall sign – 5'x7', 35 sq ft.

A motion was made for 42-21 by **Don Fatobene** and seconded by **Don Bell.**

Matt Bellin: I'd choose to table that then, I guess. If we're not going to vote on one sign, I'm not going to put up one sign and not the other.

Patrick Wilson: That's fine.

A motion to table 42-21 was made by **Don Fatobene** and seconded by **Don Bell.**

Roll Call: Brian Hodor, yes; Sally Lane, yes; Curt Moll, yes; Don Bell, yes; Don Fatobene, yes. **MOTION APPROVED.**

Curt Moll: There is nothing else on the agenda.

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Don Fatobene: I would like to add one thing to put a conclusion to something that was brought before this board and City Council. It was obviously run through the media. There were some concerns about a home that was being built on St. Andrews. One of the main concerns was that it would affect the property values later. Just to shut the door on that case; that property sold last week for \$287,500. That is basically \$170 a square foot, by far the highest value per square foot on that road. So the concerns about it affecting the property values in a negative light, absolutely was not the case. I just thought that was something that was such a hot topic, that information should be put on record to close the door on that.

Curt Moll: Thank you Don. Comments? Anything else to bring before the board?
Motion to adjourn.

Adjournment moved for by **Don Fatobene** and seconded by **Don Bell**.

Roll Call: **Don Fatobene, yes; Sally Lane, yes; Brian Hodor, yes; Curt Moll, yes; Don Bell, yes. MOTION APPROVED.**

Meeting Adjourned: 7:24 pm

Chairman

Date

Secretary