

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

August 9, 21

The City of Cortland Planning, Zoning & Building Commission met on Monday, August 9, 2021 at 6:50 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:

Shawn Ruddy	140 Stonewood	Cortland
Ron Baldwin		Cortland
Keith Denman	201 Elizabeth Ct.	Cortland
Mark Brown	3260 Niles-Cortland	Cortland
Ted Jablonski	424 Cherry Hill	Cortland

The Public Hearing minutes are from the secretary's notes, the tape did not record.

Curt Moll: Good evening. It is 6:50 p.m., Monday, August 9, 2021. I'd like to call to order the Cortland Planning, Zoning & Building Commission for Public Hearing 18-21. The purpose of this hearing is to consider a variance request at 142 N. High St. to allow the encroachment of up to 4 feet from the 10 foot side set back requirement. Come up and tell us what you want to do here.

Keith Denman: Keith Denman, 201 Elizabeth Ct., of Denman Construction. We are going to remove the old unattached garage and build a new one in the same place. This will be at 142 North High St. The lot is too small for the 10' setback, it would be 6' off the side. It will be a 24' x 30' unattached garage.

Curt Moll: Is there anyone here to speak against this? Would anyone like to speak for this? Hearing none, can I have a first and second to end the Public Hearing?

A motion to end the public hearing was made by **Don Fatobene** and seconded by **Sally Lane**.

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

Curt Moll: We will start the regular meeting at 7:00.

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The City of Cortland Planning, Zoning & Building Commission met on Monday, August 9, 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:

Shawn Ruddy	140 Stonewood	Cortland
Ron Baldwin		
Keith Denman	201 Elizabeth Ct.	Cortland
Mark Brown	3260 Niles-Cortland	Cortland
Ted Jablonski	424 Cherry Hill	Cortland
Ron Baldwin		

Curt Moll: It is 7:00, Monday, August 9, 2021. I'd like to call to order the regular meeting of Cortland Planning, Zoning & Building Commission. Can I have 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 from the July 12, 2021** regular meeting was made by **Don Fatobene** and seconded by **Sally Lane**.

Curt Moll: Any corrections or additions to the minutes? Hearing none, can I 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: Okay, no old business so we will move on to **19-21 – Variance Request - 142 N. High St.** to allow the encroachment of up to 4 feet from the 10 foot side set back requirement. Could you come to the podium again, state your name and address and tell us about this.

Keith Denman: Keith Denman, 201 Elizabeth Ct., Cortland. We are going to put a new garage in the same place, essentially as the existing one. The current one has encroached on the 10' side setback requesting the variance. Any question?

Curt Moll: Any questions from the board? For the record, we had a public hearing and there were no negative comments made. The situation that most adequately addresses this is a special condition because of the lot widths. It is not the fault of the applicant that the lot is narrow. There is a garage there, it's supposed to be a 10 foot (inaudible) as he explained in the public hearing, was that he wouldn't be able to get into the garage because of the width of the lot. With that I would like to 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: Next item on the agenda is **20-21 – New Sign – Pole Sign - 162 S. High St.,** fluorescent, 28 sq. ft., 2 faces. Can I have a motion please?

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Don Bell made a motion for 20-21, seconded by **Sally Lane**.

Curt Moll: Thank you. Who do we have to speak about this sign? Come to the podium, state your name and address.

Mark Brown: Mark Brown from Mark's Signs, 3260 Niles-Cortland Rd., Cortland, Ohio. Two new faces, where the Dairy Queen used to be at the sign by the road. Family Baptist Church, and one above the door. 18" x 10", LED lights.

Curt Moll: This is for the Baptist Church. There is another business going in that plaza.

Mark Brown: Yes, next door is Mr. Hero.

Curt Moll: Okay, this is replacing an existing...

Mark Brown: Yes, at the very bottom.

Curt Moll: Any questions from the board? From anyone else? Kim, do you see any problem with the sign?

Kim Blasco: No problem.

Curt Moll: Can I have a roll call please.

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

Curt Moll: The next item on the agenda is **21-21 – New Sign – Wall Sign – 162 S. High St., LED, 15 sq. ft., motion please.**

Don Bell made a motion for 21-21, seconded by **Sally Lane**.

Mark Brown: Oh, this is the wall sign. It's 18"x10' it's aluminum can, LED lights, white face, installed above their door.

Curt Moll: Any questions? Roll call please.

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

Curt Moll: We will move on to item **22-21 – Home Occupation – 424 Cherry Hill -** Paintless automotive dent repair. This will be approval for uses that are not covered under... We need a motion.

A motion was made for 22-21 by **Don Fatobene** and seconded by **Don Bell**.

Curt Moll: You are here to tell us what you are going to do here. Will you tell us a little about that?

Ted Jablonski: Yes Sir. I do paintless dent repair, door dings, stuff like that without any body work whatsoever. Most of my stuff is mobile. Occasionally, one or two a week I will do at the house in my garage but most of it is mobile.

Curt Moll: This involves some equipment then.

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Ted Jablonski: Just a bunch of my rods. I work all of the dents out from the backside, I just massage it back out. It's just a bunch of different metal bars we use to pull dents out.

Curt Moll: The noise level then?

Ted Jablonski: Not much. There are no air compressors, grinders or anything like that.

Curt Moll: I drove by the property today and it looks pretty good.

Ted Jablonski: Well, thank you.

Curt Moll: One of the things that we look at when somebody wants to put a business in their house is, what condition are they keeping it in now. It satisfies our property maintenance requirements.

Ted Jablonski: That's good.

Curt Moll: It's a good thing. It didn't look like you store a lot of cars outside.

Patrick Wilson: Traffic?

Ted Jablonski: No, in what I do, most of my stuff is done in a half hour. It's not something that's going to be sitting there.

Curt Moll: The customer doesn't leave the car overnight?

Ted Jablonski: Every once in a while, one may, if they wanted it done in the evening and just pick it up the next day. Usually it's right when they come, they'll wait and I'll fix it and away they go.

Curt Moll: Any questions from the board or anyone else that we haven't answered? Kim, any concerns about that?

Kim Blasco: No.

Curt Moll: Good, as long as we don't hear anything from neighbors you're probably going to be okay. That is the one thing that I will warn you about; if there is a disturbance created in the neighborhood, that will revoke this approval that we are doing here today.

Ted Jablonski: Correct, absolutely.

Curt Moll: Can I have a roll call please?

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

Ted Jablonski: Thank you.

Curt Moll: Next on the agenda is **23-21 – Preliminary Plan Approval – Huntington Ridge – 34-106997**. Who do we have to speak about that?

Keith Denman: It's going to be a single-family development. It is Huntington Ridge which is at the end of Windsor Drive. We just started the preliminary plans for 18 unit it's a planned unit development. Typically, they are all single story, designed for age-in-place, 3ft.entrances; all easy access.

Don Bell: Basements?

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Keith Denman: It's going to be an option for basements.

Don Fatobene: So they are going to be on slabs?

Keith Denman: Possibly slab, possibly basements. I would anticipate that most of them would be full basements.

Curt Moll: Are these to be rented?

Keith Denman: For sale.

Curt Moll: Did everything come out okay with easements and everything?

Kim Blasco: Well, based on what was turned in, I have a few concerns. The water line, where your engineer showed, is not correct. There is going to be quite a bit of adjustment. There is a waterline that actually cuts right through the property that goes east to west. We also have a waterline heading south that encroaches on the detention pond. There is going to need to be some adjustments there. There is also some concern over getting a fire truck back there. There is a turn-around on the west end, I don't know if that's large enough to accommodate a fire truck and on the east side, there is not one there at all. That's a few of the items also, before you leave I'm going to give you a some examples. I'll give you the ordinance showing preliminary plat, as well as construction drawings, and final plat. Directions of what needs to be shown on all that. So next round, this is some of the information that would need to be shown in the future. I have some information on the waterline and then I guess that we can go forward. You might have to adjust... we need an easement on that waterline and we need a minimum of 20 feet between units to be able to service that waterline in the future.

Curt Moll: You may have to adjust where you can put these units based on the current locations of the utilities.

Keith Denman: That is correct and I understand.

Curt Moll: This looks pretty jammed in.

Kim Blasco: So, with the changes that need to be done, do you want to consider tabling this until we have an actual... based on the waterline, even the sanitary location...

Curt Moll: I'm not sure. In a preliminary plan, approval is required?

Patrick Wilson: Correct. I think Kim's issues are pretty substantial. I wouldn't want to see... it would be my recommendation to not vote on it tonight. Wait for more information to be submitted.

Keith Denman: I'm obviously going to comply with all of the regulations that you've got and we will adjust whatever.

Curt Moll: I'd really rather approve it with the number of units that you can put on it rather than what you are showing here, probably max.

Kim Blasco: You will be moving forward with the project, it's not like we are going to hold you up. There is just quite a bit of work to do.

Keith Denman: I understand. There is a considerable amount of work to get that changed. I just wanted... this is something to see.

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Curt Moll: You said that this was senior housing? Is there a limitation on that?

Keith Denman: No, no limitation. It's going to be designed to have easy access. It's not necessarily senior housing; it's designed to where you can get in and out of it easily. If something happens, you can stay at home longer.

Curt Moll: So, there aren't any restriction.

Keith Denman: No restrictions.

Don Bell: ADA restrictions?

Keith Denman: No, we are just designing it to be ...(inaudible)

Curt Moll: I think that we'd be better off tabling this tonight until it's all put together. If you get into a timeline issue, we can meet. We can have 2 meetings a month if needed to address timeline issues. That would be my recommendation.

Keith Denman: Okay. Thank you.

Curt Moll: Can I have a motion to table?

A motion to table 23-21 by **Don Fatobene** and seconded by **Sally Lane**.

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

Curt Moll: 24-21 – Preliminary Plat Approval – Stonewood South Plat #1. Plat for B. & R. Properties of Cortland LLC. We need a motion for this please.

A motion was made for 24-21 by **Don Fatobene** and seconded by **Sally Lane**.

Curt Moll: Who do we have to speak about this?

Shawn Ruddy: Shawn Ruddy and Ron Baldwin. We came across this property and we wanted to move forward on at least getting it set up for a road to be put in and some utilities run back there. I gave Kim some maps tonight; sorry. We had the Army Corps of Engineers come out September of '20 and walk the property. According to them, Lot 31 remains wetlands and they have asked us to stay 20 feet away from the crick on each side. We had it re-surveyed and chose to go 45 feet on each side to kid of double that so we wouldn't have any issues. I know that there were some issues with this property previous on wetlands. I did give the map out that shows there was mitigation of the 2.3 acres; I believe that's over behind Stonewood, I'm not sure if that's Ruth? I'm not sure what road that is back there.

Curt Moll: It's near Myrtle.

Shawn Ruddy: Correct. That was mitigated. This map came from the Army Corps and there are a bunch of notes on there as far as when they would come out and ... I don't know if the previous owner was doing things before involving them. You can see all the different notes; there is 2012, 2015, 2016. We had them out September of '20 and he walked the property. We also had Buckeye Civil Engineer come out. Kim came and walked the property with us and there is a retention pond; I think that it is more for water quality. I don't think that I gave you copies of that but I have the map of that as well. The letter from Trumbull County for the approval on that dated back in January of 2010. Kim's concern was whether that was the proper size of the amount of property back there. So, I do have the drawings from Buckeye Civil Engineers and they are the original ones that did it for that area, I submitted that as well. I have all those copies of

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everything. We dug up everything that was submitted back in 2010, 2004, 2008. We've already had Ohio Edison out to give us an idea of how the plan would come in for the main powerline. They put those plans in for approval, they said that it could take up to 4 weeks. We are going to forego that lot in the back corner for wetlands. He said wait until the end, that's the last lot that you sell, the Army Corps will come back out and check the property. If it has a certain grass, certain animal life there; it would stay wetlands and we would never do anything with it. Also, the property before the gate on the left hand side, we are going to leave all that wetlands as well. It's almost a lot and a half. The prior mitigation was for 2.3 acres. We wanted to come in front of everybody, see if there were any questions and see what we needed to do to move forward; do everything the right way.

Curt Moll: This says that it is a preliminary plat approval? This is the one that was approved years ago? (referring to the drawings in front of him)

Kim Blasco: Right.

Shawn Ruddy: The only change that we made was designating that corner lot as wetlands and move that first lot on each; left and right, after the gate as a lot and a half. We forego that first lot on each side to give us that 45 feet from the crick on each side. We thought that doubling it wouldn't hurt so we gave up two lots there to give us more set back.

Curt Moll: Okay, very good. Any questions from the board?

Mayor Petrosky: This wetland delineation was done in 2006. We were looking at this today on the Auditor's website today and it's not properly listed.

Kim Blasco: When he came in, he gave me this. He gave me a copy of it, I didn't know that it existed. It's a conservation easement.

Mayor Petrosky: Okay, we couldn't find that this afternoon.

Shawn Ruddy: We've been finding things as we go. When it was recorded, that was an agreement between the Army Corps...

Kim Blasco: Soil and Water and W.A.E. Corp.

Shawn Ruddy: The original company that did the plans is no longer around so we had to find out who bought them and who had the archives, who had the letters. It's been time consuming, digging all of that stuff up. I have this letter from 2010 from Trumbull Soil and Water Conservation to improve the water quality detention pond.

Mayor Petrosky: What about the wetlands located on Lots...

Shawn Ruddy: The strip of green across the back?

Mayor Petrosky: Yes.

Shawn Ruddy: When he came out and walked it in September, he said that he didn't see anything that would deem wetlands on those, but we are waiting on a call back. If we have to mitigate that small area, we give up that whole lot on the corner which is 55, to make up for that, on the bend (showing maps). If you look at what we are going to give up; it's about 1.4 acres total. That's our backup plan if it still shows as wetlands. I'll give you the person's name that we worked with.

Ron Baldwin: Matt Gilbert.

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Shawn Ruddy: Matt, he was pretty familiar with this property. When we mentioned it to him, “Oh, I know exactly where it is.” The property hasn’t even been walked since ’07 or ’08. He said that those areas can change. He came out and took a walk through the whole property, on the day that the hurricane was coming through. (laughter)

Mayor Petrosky: Thank you. I, on behalf of the city, appreciate everything that you have done.

Shawn Ruddy: We are trying to do as much detective work as we can. I live catty-corner to there, the last thing that I want to do is sell lots and have people knocking on my front door all the time.

Ron Baldwin: My goal is to build right next to the wetlands.

Shawn Ruddy: I don’t want my partner to come after me either. (laughter) We are trying to move forward, we’ve talked to (inaudible) about putting the road in, getting a price on that with the curbing. We want to make sure that everything is done right. All of the storm sewers are in, all of the fire hydrants, the only thing that is not in is gas, electric and cable.

Curt Moll: The street has a base?

Shawn Ruddy: Right, there is a base, they said that they would take a core sample of it to make sure that there is enough there. It’s supposed to be 36 inches and that’s what’s shown. Over time that settles and it could change so, we might have to add base to it in order to put the road in. We are more than happy to work with the city just to make sure that everything is right the first time through. That’s why I want to put the utilities in, instead of digging up the road and putting in utilities after.

Curt Moll: Any other questions? Patrick?

Patrick Wilson: The conservation easement is perpetual.

Curt Moll: Yes, we decided that we had to reapprove this plat because it was 14 years old.

Patrick Wilson: Wise choice, yes.

Shawn Ruddy: I think that the real-estate kind of tanked, they didn’t develop anything on it and we saw how much work had already done and we wanted to do it the right way.

Kim Blasco: Thank you for that easement, that made all the difference.

Shawn Ruddy: It would be so much easier if Western Reserve was still in business but it’s not. I had to find out who bought what and who has files on what.

Curt Moll: There are a lot of other properties that are affected by that. If there are no further questions, can I have a roll call please.

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

Shawn Ruddy: Thank you so much.

Curt Moll: You have a little more work to do. Thank you for coming.

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Shawn Ruddy: We don't mind work.

Curt Moll: Anything else? There are no questions, I'll take a motion to adjourn.

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

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

Meeting Adjourned: 7:26 pm

Chairman

Date

Secretary