

PLANNING, ZONING & BUILDING COMMISSION

CITY HALL

January 13, 25

The City of Cortland Planning, Zoning & Building Commission met on Monday, January 13, 2025 at 7:00 P.M. at the City Administration Building, 400 N. High Street, Cortland, Ohio. In attendance were the following board members: Chairman Donald Fatobene, Curt Moll, and Brian Hodor. Also present were Mayor Deidre Petrosky, Service Director Kim Blasco, Law Director Patrick Wilson and the following individuals:

John & Amber Falfas	144 Winter Ln	Cortland, OH
Mark Brown	3260 Niles Cortland Rd	Cortland, OH
Councilman John Picuri	200 Fox Run	Cortland, OH
Anna Brewer		

Don Fatobene: I'd like to call to order the City of Cortland Planning, Zoning and Building Commission meeting. Can I get a roll call please.

Roll Call: Brian Hodor, here; Robert Wilson, absent; Curt Moll, here; Frank Daugherty, absent; and Don Fatobene, here.

Don Fatobene: Now I'm looking for Approval of Commission Minutes form the December 9, 2024 Regular Meeting.

A motion was made by **Curt Moll** and seconded by **Brian Hodor**.

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

Don Fatobene: 01-25 Consolidation Replat –Lots 2 & 3 Walnut Resources Plat No. 1 Instrument No.202210250021569 City of Cortland, Trumbull Co., Ohio. Can I have a motion please.

A motion was made for 01-25 by **Brian Hodor** and seconded by **Curt Moll**.

Don Fatobene: Is there anyone here to speak for this? Come up to the podium.

John Falfas: My name is John Falfas, 144 Winter Lane. We are going to build a home there. There wasn't enough room; we wanted more space, so we purchased both lots and are going to build a 3,000 sq ft ranch.

Don Fatobene: Kim, anything on this?

Kim Blasco: We're good. Lot 2 and 3 are going to make Lot 2A.

Don Fatobene: Nothing out of the ordinary on this.

Kim Blasco: No. We'll get the drawings with the revised easement back to you once everything is signed, then you will have to have it notarized with your signatures and then you can take it down and get it recorded.

John Falfas: Okay, thank you very much for your time.

Don Fatobene: Can I get a roll call please.

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

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Brian Hodor: We're both Air Force, that's why I abstained; because I know him.

Patrick Wilson: That doesn't count, it's okay.

Don Fatobene: **02-25 New Business** – Embrace Connection Counseling – 120 Windsor Dr. Can I get a motion for this.

A motion was made by **Curt Moll** and seconded by **Brian Hodor**.

Don Fatobene: Come up and tell us what you are going to do here.

Anna Brewer: I'm opening up a counseling practice. I've been doing telehealth for the last 3 years and have been pretty successful with that. So, we are just looking to go in-person and start expanding into Trumbull County. We are doing ages 10 and up. We do addiction, we have somebody that does gambling treatment, bariatric treatment, kids and adult anxiety and depression, ADHD, we do a little bit of everything.

Curt Moll: You have 10 employees, are they part-time?

Anna Brewer: Most of them are part-time, some of them are completely virtual because they live out in Columbus and Cincinnati. Right now I have an intern, 3 therapists and a receptionist in the office.

Don Fatobene: Any questions from the board, no? It's pretty straight forward, everything fits and nothing out of the ordinary. Christine, can I get a roll call.

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

Don Fatobene: Moving on; item **03-25 Wall Mounted Sign** – 120 Windsor Dr. 96"x34", 24 sq ft, non-lit.

A motion was made by **Curt Moll** and seconded by **Brian Hodor**.

Mark Brown: I'm Mark Brown from Mark's Signs, 3260 Niles-Cortland Rd.

Don Fatobene: We have a picture of the sign here. Kim, it fits all of the required dimensions.

Kim Blasco: Yes, it does.

Curt Moll: This one is on the building?

Don Fatobene: Correct, this is the wall mounted sign. I'm not hearing any more questions. Roll call.

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

Don Fatobene: Can I get a motion **04-25 Ground Mounted Sign** – 120 Windsor Dr.

A motion was made for **04-25** by **Brian Hodor** and seconded by **Curt Moll**.

Mark Brown: It's on the big Windsor sign; it's just one of the panels.

Curt Moll: Does this match the size of the other tenants?

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Mark Brown: Yes.

Brian Hodor: It's going into an already existing...

Mark Brown: Yes, Nationwide moved out and we are putting it where theirs was.

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

Don Fatobene: Good luck on your business. Welcome to Cortland. **05-25 Set Public Hearing** – The purpose of the hearing is to consider the modification of the barbed wire fence language in the city ordinances. **Public Hearing to be set for February 10, 2025 at 6:50 p.m.** Can I have a motion on that.

A motion was made for **05-25** by **Brian Hodor** and seconded by **Curt Moll.**

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

Don Fatobene: That is very unclear language. Now we move on to **06-25** Councilman Picuri to address the board regarding Chapter 1321 Signs of the City's Codified Ordinances and share sample language to address the issues. Can I get a motion?

A motion was made by **Curt Moll** and seconded by **Brian Hodor.**

Councilman Picuri: Councilman John Picuri, 200 Fox Run. In your packet, you have some sample language that I provided to City Council back on December 16th of last year with some language that I'd eventually like to propose to Council. Then they could debate and then eventually approve the revisions of Chapter 1325 of our Sign Ordinances. We have been more proactively enforcing our zoning regulations. Several of our residents contacted me about what they felt was a bit of an overreach with our sign ordinances as currently written. It was last updated in 2009 so it has been quite awhile since it has been updated. The way that it is currently written; basically any sign on a property (inaudible) and I think that's overreach. I have researched several other communities in Northeast Ohio and what I've proposed is consistent with what a lot of the other communities have. Look at page 3; we don't really address seasonal decorations so that's included in there. Also, commercial messages in the form of works of art is something that should be exempt. For example, the mural on the side of Cortland Mower, that should be fine. If it said Cortland Mower, that's a sign. If it's just murals, art work; which I am personally very in favor of, especially downtown, I don't think that is something that we should be regulating.

Curt Moll: You wouldn't consider the parrot to be a sign?

Don Fatobene: Across from Burger King.

Councilman Picuri: It seems like a work of art to me. I guess that could be debatable.

Patrick Wilson: That's one of the problems you get into; what is a work of art?

Curt Moll: If it has a company name on it, it could be a sign.

Councilman Picuri: There should be a distinction. If it's advertising a business, this board should be regulating it.

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Curt Moll: If it's Eagle Landscaping. They put out an eagle without anything else, is that okay?

Councilman Picuri: I think there could many, many different scenarios out there but I think this brings us more consistent with other ordinances that I found in Northeast Ohio and I think that it's common sense. On page 5 you'll see language that I'd like to see added. It is something that I'd like to propose to Council after this board weighs in on it. This is adding a section that allows folks to have 2 temporary signs for an unspecified amount of time but only if they meet the criteria below:

(1) They don't contain a commercial message, except for the sale or lease of the property on which the sign is located. The reason for that is, for example, we just had someone in here that wants to start a new business. I don't want them to use this temporary sign portion of our ordinance to just go put their sign up and start business. If it's a business that is coming to the city, they need to come to this body and it needs to be talked about.

Curt Moll: In the past, we have had people put up banners while their sign was in process. I think this, you permit, for a short period of time.

Don Fatobene: Yes, we've had temporary signs before.

Councilman Picuri: Technically, it's not allowed. The way it is now, if someone has a sign celebrating their high school kid's soccer player #7, Mary; it's actually not allowed. I think that we need to update that. If someone just replaced your roof, they should be able to put a sign out that says they did the work on that property. The intent is not for that. The intent is for someone that is going to start a business out of their house, they need to be coming to this board to ask for permission and to go through the process. (2) not more than 8 sq ft. (3) minimum 10' off the ROW and 10' off the lot lines. (4) It shouldn't exceed 4' in height. I am not asking to debate this now, I just wanted to put this before you so you had an opportunity to look at it. I don't know, talk to Patrick about what the best way to handle this may be. Whether it's another meeting and we openly discuss it in this format, I don't know. I just wanted you to be able to look through here and see if there are any other areas that you think that we need to address. Again, this hasn't been updated since 2009. Patrick and I are also going to look at the way the election signage is written. Restricting election signage was determined unconstitutional. We may have to tweak that, but it may be alright now. We are saying that you can have 2 signs up at any time and we don't care what it says. It can be election related stuff but during the election period, we remove that restriction and allow you to put up as many signs as you want. Patrick and I are going to look at it.

Patrick Wilson: On the political signage, the way that Cortland's is written mirrors the ones that were ruled to be unconstitutional. This is after we have amended them around 2015. You could put them up a certain amount of time before the election and a certain amount of time after. Most every entity in Ohio had this. The Supreme Court said that it was infringing on people's free speech and political views which we are not getting into the business of doing. So political signs were going to get looked at anyway, it was too late to enforce anything this year, the mayor and I have talked about it. We should bring this into constitutional appropriateness. We will talk about it and it will be a recommendation to this board. It will be brought to this board, you will have a public hearing and offer changes.

Councilman Picuri: In the meantime, the mayor has put a hold on any enforcement of that particular section of the sign ordinance. It's not an emergency but I think that it should be resolved within the next few months.

Don Fatobene: What is the enforcement?

Councilman Picuri: Technically it's a minor misdemeanor if it went that far.

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Mayor Petrosky: What the gentlemen had been doing was just going and saying this violates our code, take it out. It is not our intent to go to court for minor misdemeanors. We just want compliance with our sign ordinances.

Councilman Picuri: It made us aware that there is a hole in our current ordinance.

Patrick Wilson: On the political signs, you can restrict where they are put because you don't want them in the right-of-way; infringing on City business and sight lines.

Curt Moll: We used to take them out at The Point. If it was on City property, we'd take them down.

Councilman Picuri: My argument was that we are saying that anyone can have 2 signs as long as it meets those 4 criteria. It can say whatever anybody wants to say. The way that the political signage is written now, it is not restricting anything, it is removing restrictions. During this time period, you can have as many political signs as you like. Then you can go back to 2, you don't have to remove them all. If you want to have a John Picuri for City Council sign up for the next 10 years, go right ahead.

Patrick Wilson: If you bring in the new language that John is talking about, you might be able to get rid of the political signage section. I still think that there should be a reference as to where they can be put in the city.

Don Fatobene: Especially during the election cycle.

Patrick Wilson: The courts don't like that. Who is to define the election season? You have the primary, general election...

Kim Blasco: Can we regulate the 2 signs that can be up all year? Can we regulate that?

Patrick Wilson: We need to tighten that up where it says, "temporary signs may be displayed for an unspecified amount of time". You can say all signs in the City of Cortland can be up for 90 days. You want something hard and fast to follow. I agree with you.

Councilman Picuri: They said that you can limit the number of signs but during that time period, I don't know if we should debate this now since we are all here. The week before the election, the way it is written now, you can only have 2 signs up. That doesn't make any sense, there are many, many issues on the ballot. I think that we want to allow people to express themselves and put up as many signs as they need during that time period but then I think that you have to go back to 2 because they are distracting. What I read was that you can regulate signs, you just can't regulate their content. The 2 signs bring allowed per property is pretty consistent with everybody else.

Mayor Petrosky: I thought that you couldn't treat political signs differently from other signs.

Patrick Wilson: Correct.

Councilman Picuri: But you are not.

Curt Moll: We are if we put different restrictions on them.

Councilman Picuri: It's not a restriction; I am removing the restriction.

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Patrick Wilson: What you are recommending John is, if you adopt your change under temporary signs, you'd get rid of the political sign section all together.

Councilman Picuri: No, I think you keep it. The way that it's written, it's not restricting, it's removing the restriction for a period of time. All year round, you are allowed to have 2 signs but during a certain time, around an election, you can have as many signs as you want. When that period is over, you got to take your signs down and go back to 2.

Curt Moll: They don't have to be political signs?

Patrick Wilson: You can't define them as political.

Brian Hodor: You are saying to keep the 45 (days) plus 7 (days) restriction that is in here now?

Councilman Picuri: We can talk about it, see if the language that is there now needs tweaked and/or if there are other sections that need tweaked.

Kim Blasco: I'd like to make one comment. People don't know what a right-of-way is. Maybe it should be a certain number of feet off the edge of pavement. People think that they own to the street. Maybe say 20 feet. I would say off the edge of pavement because they don't know right-of-way.

Curt Moll: I agree, that has created a lot of confusion.

Kim Blasco: Then someone will have to go out and tell them to move their sign back and explain to them what a right-of-way is.

Don Fatobene: Thank you. Does anyone else have anything for the good of the order?

Curt Moll made a motion to adjourn seconded by **Brian Hodor**.

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

Meeting Adjourned: 7:28 pm

Chairman

Date

Secretary