

RECORD OF PROCEEDINGS

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held NOVEMBER 5, 1992

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MEMBERS PRESENT: BUTZ-VOSS, DANIELS, SUTLIFF, YOUNG,
COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR

GUESTS: S. SIMON, J. BISHOP, S. MILLER, M. FISHER,

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members were present.

Chairman Daniels asked for corrections to the October minutes. Daniels stated the following spelling errors should be corrected, in the 4th line, "corrections" should be "correction", on second page, second paragraph, "state" should be "stated", on the last page, eight lines from the bottom, the word "sighted" should read "cited". Markowitz stated some language was left out of the motion regarding Emerald Lakes II, on page 57. In the seventh line of the last paragraph, following "\$402,000", it should read "and the Village retain the sum of \$37,500". Eight lines down from this, following "the" and before "Bellflower" add "Escrow Agreement of Block B, Envelope #25, #26, #27 and #28 and". There being no further corrections, Cotesworth moved to approve minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

Jerry Bishop, Fox Run Subdivision, presented a revised preliminary plan for the Commission review. Plan shows 23 lots with three cul de sacs and a pond for storm water detention. Mr. Bishop stated they have surveyed their property and it matches with all the pins of the surrounding property and everything closes. Mr. Bishop stated he has made the corrections requested at the last meeting. Commission reviewed the plans.

Mr. Markowitz stated there appears to be a problem with the location of the entrance road, it does not appear to be far enough away from Maple Springs. The regulation requires 400 feet between any other local street intersection and it appears there is only about 300 feet from Maple Springs and the entrance of the proposed development. Mr. Markowitz advised Mr. Bishop that if this is the case, he would have to apply for a variance, which would be heard before the Planning Commission. Mr. Bishop asked the secretary to send him the necessary application and information to apply for a variance.

Commission discussed the storm sewer easement that goes through the middle of this property. Commission stated their concern regarding this sewer being sufficient to handle the run-off. Mr. Bishop stated their plan will accommodate whatever is necessary. Commission stated the Village Engineer will have to make sure whatever is proposed, will be sufficient.

Mr. Bishop stated as far as water, once he can get approval on his preliminary plat, the very next step is to have the existing well plugged, as per Dr. Eckstein's request and then two new test wells will be drilled to determine whether there is sufficient water to support this development.

Mr. Bishop stated he already has approval for the sanitary sewer tap-ins from the Geauga County Sanitary Engineer. Markowitz stated Mr. Bishop's approval from

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Zane Lee was dated August 18, 1992. Since that date there has been a moratorium imposed by the County Commissioners on tie-ins to the sewer. Markowitz stated he has a letter stating such from the County and the lots for Mr. Bishop's development are not included in those which are part of the South Russell allocation still remaining. Markowitz stated what the Village needs is for Mr. Bishop to go back to the County and get a new letter verifying that these lots will have sewer tie-ins. Mr. Bishop stated he will do this and submit to the Village.

Mr. Markowitz stated another item that Mr. Bishop will have to address following the preliminary plat process is the setting up of the homeowners association and all the documents needed must be reviewed and approved by the Village Solicitor.

Following further discussion, Mr. Sutliff stated the items to be worked on are, the writing of the necessary documents for the homeowners association, the verification of sufficient water, the variance for the distance between the intersections of Maple Springs and entrance of the new development, the approval of the storm water sewers by the Village Engineer, verification from the County regarding the sanitary sewer tie-ins.

Mr. Markowitz asked if there was sufficient green space? Mr. Bishop stated yes he thought there was, but he will have it checked. Markowitz stated he would like to have the Village Engineer check these figures.

Following a lengthy discussion, Sutliff moved to approve the preliminary plat application and plat for Fox Run Subdivision contingent upon the granting of a variance for the road distance, approval from the Geauga County Sanitary Engineer on the sewer tie-ins, proof of sufficient water availability for this development from the Village Hydrologist, and determination of adequate open space, Butz-Voss 2nd. Roll call, all ayes.

Commission agreed to hold a public hearing on January 7, 1992 for the variance request of Mr. Bishop, subject to all forms and fees being filed.

Don Barr, Snavely Bldg. Co., Whitetail Run II, presented the preliminary plan for phase two of Whitetail Run as was presented at the last meeting. Commission reviewed the plan. Sutliff asked if an agreement had been reached regarding the sanitary sewer easement between Simon and Snavely. Mr. Barr stated there is a verbal agreement, but nothing is signed yet.

Markowitz stated the Village Engineer could not be at tonight's meeting because of a bad case of the flu, however he did speak with him to get his comments on the proposed plan. Markowitz stated Voldrich stated drainage on this property is a very important consideration because of the creek that goes through the property and there will be drainage easements on a lot of properties and he would like to meet with Snavely's engineer to go over these issues.

Voldrich reported to Markowitz these drainage easements will be the responsibility of the Homeowner's

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Association, it will be a private system like that found in Emerald Lakes II.

Voldrigh commented on Sublots #12 and #13. There is a lake shown on both of these lots and it is his suggestion that the lot lines be adjusted so that the lake is all on one lot.

Another item that needs to be addressed is the water, the Village needs verification that there is sufficient water.

Following a lengthy discussion, Cotesworth moved to accept the preliminary plat for Whitetail Run II, contingent upon approval from Geauga County Sanitary Engineer to tie-in to the sanitary sewers, upon providing proof of sufficient water, upon re-aligning the lot lines of subplot #12 and #13, and upon the final plat providing for common easements to the association in the area where the surface water drainage will be, Sutliff 2nd. Roll call, all ayes.

Sid Simon, Emerald Lakes II, stated he is before the Commission to request permission to begin to develop some of the cul de sacs. Simon stated they want to be able to begin to install the utilities in the first four cul de sacs. Markowitz stated he spoke with the Village Engineer and he stated he had no problem with allowing them to do this.

Markowitz stated under the development review process, when Mr. Simon wants to develop the spur road he will have to submit plans for each envelope for review by the Commission and the Village Engineer will look at improvement plans, grading plans, landscape plans for the spur road.

Commission discussed this at length. Markowitz stated the Village Engineer needs direction from the Planning Commission, stating he is allowed to review the improvement plans for the spur roads. This is not the way the Commission has usually done this, because Simon is only asking to put in the sanitary and storm sewer and nothing else at this time. Mr. Simon stated he is also asking permission to pave the spur roads, when he paves the main road.

Following a lengthy discussion, Sutliff moved to approve the development review for the four spur roads, Buttonbush, Teaberry Circle, Woodrush Circle and Bellflower Circle, but not for any individual envelopes, with the proviso that Bellflower Circle is done after the money is exchanged in escrow, upon the sale of any envelope, #'s 25 through 28 and the spur road, and title to the spur road is transferred back to the developer, pursuant to the escrow agreement with the Village and R. E. Services, Inc. and approval is further subject to the Engineer approving the improvement plans, upon the Engineer determining the performance bond amount and the bond form being acceptable to the Solicitor, and the Engineer determining timing of when the improvements have to be completed, Sutliff 2nd. Roll call, all ayes.

Markowitz stated there has not been any application filed for this development review request, for the spur roads.

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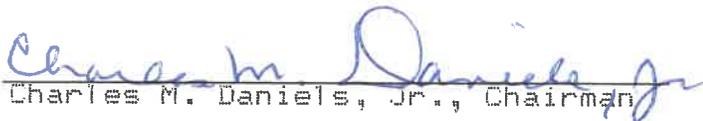
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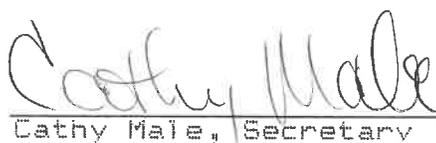
Mr. Markowitz stated Mr. Simon needs to submit \$250.00 and an application for this request. Markowitz stated the only thing that was approved tonight was the installation of the utilities and pavement for the four spur roads. None of the envelopes have been reviewed for placement of the homes, drainage, etc. This must be done individually. Mr. Markowitz stated each envelope must be approved for development review approval and the deposit will be \$250.00 per envelope. Commission and developer discussed this at great length and the Commission determined \$250.00 must be submitted for each envelope to be reviewed.

Markowitz stated he wants Mr. Simon to understand the landscape plans must be also submitted for approval with the improvement plans on the spur roads

Commission reviewed the requirements and procedure for development review of the envelopes and what steps the developer has to take to be able to begin construction.

There being no further business, meeting adjourned at 10:00 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held OCTOBER 8, 199219

MEMBERS PRESENT: BUTZ-VOSS, SUTLIFF, DANIELS, YOUNG

OTHERS OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: S. Simon, D. Barr, T. Grindell, S. O'Bryan, M. Drazen, G. Stanek, W. Driemiller, E. Sachs, S. Miller

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Cotesworth absent.

Chairman Daniels asked for any corrections to the September 6, 1992 minutes. Secretary stated the minutes reflect that Sally Butz-Voss was present at this meeting, she was not present and this corrections has been made. Solicitor Markowitz stated he has the following typographical corrections: on the second page, second to last paragraph, second line, the word "work" should be "worked", last paragraph on the 2nd page, the word "started" should be corrected to "stated". On third page, top paragraph, the phrase "it needs to be fixed and they are fixing it" should be changed to "and they are fixing the area around the borrow pit". There being no further corrections, Young moved to approve the minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Solicitor Markowitz stated for the record he would like to state this meeting was originally scheduled for October 1st and then rescheduled for September 30, 1992. Markowitz stated the Commission received a letter in writing from Mr. Simon's attorney, Mr. O'Bryan, authorizing an extension of ten days to act on the Emerald Lakes II final plat, which extends the time limit of acting on this application until October 8, 1992.

Mr. Steve O'Bryan, attorney for Sid Simon, Emerald Lakes II, stated they had agreed to an extension for the approval of the final plat for the purpose of finalizing certain documents that would in effect confirm agreements that had to do with the inter-connect road. Mr. O'Bryan stated Mr. Simon has agreed to install to the border, with the reservation of a strip, the future dedicated road within three years of the final plat approval with the understanding that the reserve strip would go to the Village and the Village could inter-connect those roads upon the occurrence of 80% of the homes in Whitetail Run II being occupied and/or 5 years, whichever is sooner. This has been put in writing, in a revised form of an escrow agreement. Mr. O'Bryan stated with this agreement and the final plat, they are requesting final approval in order to be able to proceed with the Emerald Lakes II development.

Mr. Markowitz stated he feels it is important that the Planning Commission take the time now to read the Escrow Agreement that has been passed out prior to tonight's meeting. Markowitz stated before this agreement can be effective, Council has to give their approval. In addition, Council has to give their approval to amend the judgment entry, which will have to be done as part of the overall resolution and approval of the plat.

Markowitz stated as far as what documents they have in hand and what still has to be reviewed, they have just received the final plat tonight with corrections that

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were asked for on Tuesday. In addition to the plat, they need a title commitment for the plat, which has been ordered but not submitted. The insurance is in place. The performance bond is not ready yet, it should be ready within the next two days. There is a deed to the trustee, as part of the pledge agreement, that has to be drafted. There is a deed of the common areas to the association, that has to be prepared. In addition, they need a title commitment for Block B, the four envelopes and the street Bellflower. The Associations Articles of Incorporation have been sent down to the Secretary of State for filing. The Declarations of Covenants, Conditions and Restrictions are in final form and acceptable. The Code of Regulations have been changed as requested and approved. The ordinance, Exhibit A, is complete. The legal description for Bellflower has been submitted. Assuming the agreement is acceptable to the Planning Commission, they will submit this to Council on Monday night. All these documents are within two or three days away from final form and acceptable.

Markowitz state Planning Commission has to review the Escrow Agreement and determine whether or not it is acceptable.

Commission agreed to read aloud the "meat" of the Escrow Agreement. Mr. Markowitz stated to preface the reading of the Escrow Agreement, the purpose of this document is to insure to the Village, and to the residents in Whitetail and in the area in general, as well as those living in Emerald Lakes, that there will be financial incentives to the developer to put in a road that will connect from Alderwood Trail to the northeast, to a road constructed by Snavelly Bldg. Co., in phase III of their development. The Village is asking Mr. Simon to give guarantees that he will put in this inter-connect, and what the Village is being given is Block B, a seven acre parcel; and the Bellflower spur road with four envelope lots.

Solicitor Markowitz read the escrow agreement aloud for the Commission and audience.

Commission discussed the escrow agreement at great length.

Markowitz stated the Commission has to make a recommendation to Council regarding the Escrow Agreement and in addition, take action on the Final Plat Application for Emerald Lakes II.

Mr. Barr, Snavelly Bldg. Co., Whitetail Run II, stated they have an informal agreement with Mr. Simon as far as being able to tie into the Emerald Lakes sanitary sewer. Mr. Barr stated he would ask the Commission to make as a condition to an approval of the final plat, that there be a formal agreement, signed by both Snavelly and Simon, agreeing on an easement which will allow Snavelly to tie into the sanitary sewer. Mr. Simon stated he did not think the Village should become involved in this matter and it should not become a condition of the approval. Mr. O'Bryan stated they will provide a copy of an easement document, regarding this sanitary sewer.

Mr. Steve O'Bryan stated he would like to ask the

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Commission to approve the final plat subject to necessary documents being filed and approved as previously discussed.

Mr. Mike Grazen, Southwyck Lake, stated he would like to go on record, as representative of the Southwyck Lake Homeowners Assoc., as to continue to oppose the final approval, of Emerald Lakes II, due to the lack of responsibility the developer has shown regarding the damage done to the Southwyck Lake.

Following lengthy discussion, Sutliff moved to recommend to Council to approve the escrow agreement as presented, Butz-Voss 2nd. Roll call, nays, Young; ayes, Butz-Voss, Sutliff, Daniels.

Mr. Bill Driemiller, engineer for Emerald Lakes II, presented the plan for the Final Plat. The Commission and audience reviewed the plan presented.

Following lengthy discussion, Sutliff moved to approve the final plat for Emerald Lakes Subdivision No. 2, conditioned upon the delivery and approval of a title commitment in the sum of \$1,000.00 for the street shown on the plat in a form acceptable to the Village Solicitor, upon the Developer filing the Performance Bond in the amount of \$402,500.00 which is already on deposit with the Village for the erosion control bond previously delivered to the Village on June 2, 1992, and the Developer delivering the Pledge Agreement signed by Security Federal Savings Loan in the amount of \$402,500.00 in a form acceptable to the Solicitor, upon the delivery of and approval of the Deed from the Developer to R. E. Services, Inc., as Trustee, pursuant to the Bellflower Circle spur road, upon approval of the Deed from the Developer to the Homeowners Association conveying the common areas in Blocks A and C and upon the delivery of a title commitment in a form approved by the Solicitor in the amount of \$1,000.00 showing title in the name of the Association for Blocks A and C (minus the spur roads) and title in the name of R. E. Services, Inc. as Trustee for Block B, Envelope Nos., 25, 26, 27, and 28 and Bellflower Circle spur road, upon the filing of the Homeowners Association's Articles of Incorporation with the Secretary of State by the Developer, upon the recording with the Geauga County Recorder of The Declarations of Covenants, Conditions and Restrictions in a form approved previously by the Planning Commission, upon the execution of the Code of Regulations by the Developer in a form previously approved by the Planning Commission, upon the Council of the Village adopting an Ordinance authorizing the Mayor and Clerk to enter into an Escrow Agreement attached to and made a part of such Ordinance, in a form acceptable to the Village Solicitor and the filing of a Third Amendment to the Judgment Entry of Stipulation in the case of Emerald Lakes, Inc. v. Planning Commission of South Russell Village, et al., Case No. 81 M 189 in the Court of Common Pleas of Geauga County, and the agreement of the Developer to provide a sanitary sewer easement to adjacent properties situated northeast to the subdivision owned by the Reserve at Whitetail Run Limited Partnership and known as the proposed Reserve at Whitetail Run Development, upon the terms set forth in a letter dated September 14, 1992 from John P. Snaveley to Sidney Simon, Butz-Voss 2nd.

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Roll call, ayes, Sutliff, Daniels, Butz-voss; nays, Young.

Mr. Don Barr, Shavey Development Co., Whitetail Run II, stated he is filing a revised preliminary plat for Phase II, Whitetail Run. The plan is basically the same as the one filed last month, with two exceptions. First, is a change to align the inter-connect roads and second, extended the cul de sac to provide for the inter-connect. Mr. Barr stated they anticipate this project to take five years to complete. Commission reviewed and discussed plan at length.

Mr. Barr stated what he would like the Commission to give them tonight is their input as far as whether they like the plan and what items need to be further addressed.

Commission stated they like the concept and layout of this plan, especially the fact that there are larger lot sizes.

Markowitz stated as far as the length of the road and the possible need for a variance from the 2,500 foot maximum, it is his opinion that there would be no need for a variance for the street extensions in Phase II as long as they have made provision for an inter-connect road and it is shown on the final plans.

Jerry Bishop, developer for the Milstein property, Fox Run Development, at the northwest corner of Bell and Rte. 306, presented a preliminary plan showing 23 lots. Commission reviewed the plan as presented.

Following a brief review, Commission stated it appears that the setbacks are not sufficient and there are no dimensions shown on the plan. Commission stated the plan does not have enough information, they asked that a revised plan be submitted at the next meeting with all the necessary information.

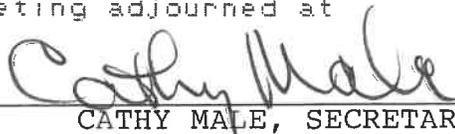
Markowitz stated the natural features should also be shown on the preliminary plat, and this plan does not have that information. Mr. Bishop stated he would include this on the revised plan.

Mr. Bishop stated he will attend the next Planning Commission in November with a revised set of drawings.

Mr. Markowitz stated he has checked into the issue of political signs and he has found that the Code does not permit political signs. Markowitz stated it is his opinion, if the signs are put up in the right-of-way, the Village can remove them and any sign that an individual wants to put on their lot won't be sighted, even though it is technically not permitted, until the Village decides to take up the issue and adopt some regulation. Mayor Young stated this issue was precipitated by a phone call from an individual wanting to put up a sign in support of a specific issue on the lot across the street from the Village Hall. Commission agreed not to take any action as far as drafting regulations at this time.

There being no further business, meeting adjourned at 10:45 P.M.

CHARLES M. DANIELS, JR., CHAIRMAN


CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held SEPTEMBER 3, 1992

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Members Present: _____, Sutliff, Daniels,
Cotesworth, Young

Other Officials: D. Markowitz, T. Voldrich, D. Hovevar

Guests: S. Simon, D. Barr, M. Drazen, G. Stanek, E. Buchanan, K. McClintock, J. Stanek, M. Stanek, L. Mighdoll, D. Kiffner, R. Labinka, D. Eshelman, A. Shirkman, J. Roberts, S. Goldstein, C. Porter, J. Teagro, H. Peller, S. Nielsen, J. Buch, E. Peller, A. Catani, D. Howell, L. Lovell, J. Manning, P. Bryan, M. Esposito, J. Singer, M. Garvin, W. Driemleer, E. Sachs, S. D'Bryan, T. Grindell

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members were present.

Chairman Daniels asked for any corrections to the August minutes. Following several spelling and typographical corrections, Cotesworth moved to approve the minutes of August 6, 1992 as corrected, Sutliff 2nd. Roll call, all ayes.

Mike Drazen, 130 Southwyck Drive, stated he is before the Commission because they have a problem with Southwyck Lake. Mr. Drazen stated when Emerald Lakes II looked like it was going to become a reality, they came before the Commission asked for their help in protecting their lake during this construction. Members of the Southwyck community attended meetings and felt assured that the Village would protect their environmental area. Mr. Drazen stated the reason they are before the Commission at this time is because they feel that the Commission has failed Southwyck Lake, the events of the past week have indicated an apparent disregard on the part of the developer to follow the directives of the Village. As proof of this disregard, Mr. George Stanek, resident of Southwyck Lake, will present the evidence they have gathered.

Mr. George Stanek, 100 Southwyck Drive, presented a map that illustrated the location of the Emerald Lakes II development in relation to Southwyck Lake subdivision. Mr. Stanek stated the source of the problem that he wants to discuss is a connector road to a new excavation, a borrow pit area that has had totally no protection for siltation. Mr. Stanek presented photos showing the quality of the water in the lake prior to the big rain storm and terrible flow of muddy waters on the following day. Mr. Stanek then presented photos of waters flowing from the area of the borrow pit, where there was not one ounce of protection. There was not a silt fence or a straw baie, and it wasn't even graded or drained properly in order to protect the down stream area. Mr. Stanek presented photos of different areas of the Emerald Lake excavation and stated these photos demonstrate the lack of any siltation controls and he and the Southwyck residents are very angry about the condition of their lake and want something done about lack of controls on the excavation of the Emerald Lakes development.

Mr. Drazen stated now that the evidence has been

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presented as far as the damage done to Southwyck Lake, he would like to raise some questions to the Commission. There are three questions, first, is the Village of South Russell able and willing to protect the residents of Southwyck Lake from temporary or permanent damage to their lake as a result of the development of Emerald Lakes; second, how can the Village assure themselves and the residents of Southwyck Lake that the developer is taking the proper containment measures in a pro-active fashion rather than simply recognizing the lack of performance after the events which can not easily or totally be reversed; and third, what can the Village do or require be done by the developer, to assure themselves and the residents that all the damages to Southwyck Lake will be remedied by the developer in a timely fashion, in total, without any constraints to his financial condition at the time.

Several residents stated their concern with the condition of the lake and felt there has not been any time in the past that the lake has been in such terrible condition. Residents stated they felt betrayed that this situation could have occurred with all the assurances from both the Village and Mr. Simon.

Mr. Jim Manning stated he has lived in Southwyck Lake for the past nine years and he has been involved in many meetings with Mr. Simon and the Village regarding Emerald Lake I, talking about all the issues that are being discussed tonight. Mr. Manning stated he is extremely disappointed that these same issues are being once again discussed, they sought legal council during the building of phase I, and they will again seek legal council if it is the only way they can be assured that their lake can be protected.

Mr. Sid Simon stated he has engaged a company that would give him information and guidance as to how to develop the property and not negatively affect the downstream properties. The ACRT Company has been hired by Mr. Simon to monitor the waters of both Emerald Lakes and Southwyck Lake. Mr. Simon introduce Dr. Elizabeth Buchanan and asked her to report on the current situation as she sees it.

Dr. Buchanan stated all the measures for erosion control that they have had Mr. Simon put in place have worked very well up until this last rain storm. Dr. Buchanan presented the report that she prepared and discussed at great length. Report hereto attached. Buchanan explained that turbidity measurement is an indirect method of measuring sediment in water, but it is very effective in measuring high sediment load and low sediment load. Dr. Buchanan explained where they took the samples and how they documented the samples with photos as well as taking a video of the waters.

Dr. Buchanan reviewed the report she had prepared and referred to the conclusions and recommendations. Buchanan stated from June, July and August and up until the past storm on Thursday and Friday, there really was no problem that they could detect through their measurements and problems they did find with the silt fences were reported to Mr. Simon's people and they were corrected very quickly. The storm on the 27th and 28th

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of August was absolutely extraordinary, she has never seen the sediment load like that which was being carried by the streams flowing from properties to the north as well as from the borrow pit area flowing into the wetlands, on to the beaver dam and then into Southwyck Lake. Buchanan stated the NTU readings of sedimentation coming from the borrow pit were extremely high and very alarming, over 1,000. They immediately notified Mr. Simon that the sedimentation basin needed to be enlarged to handle the sedimentation. The readings at the Beaver Dam were 46 and the readings at the lake were 46. Buchanan stated the wetlands and the beaver dam are working incredibly well to hold the sedimentation. What the goal is, is to see NTU readings in the surrounding streams of being between 5 and 15. Buchanan stated she is not saying that there was not an impact on Southwyck Lake, there certainly was, and it needs to be fixed and they are fixing ~~it~~ ^{the area around borrow pit}. On Tuesday, the basin was being enlarged, the area needs to be seeded as soon as they can get a hydro-seeder and straw in there and get it done, this is critical.

When asked if the beaver dam was intact, she responded that the force of the storm cut an opening in the dam. Southwyck residents disagreed however no one actually saw someone cut the dam and the Mayor stated no one in the Village gave permission to the developer to disturb the beaver dam.

Mike Drazen asked if the borrow pit and haul road were excavated without any soil erosion protection, he walked that area and there was not one straw bale or silt fence to protect from soil erosion. How can they be assured from now on that the developer will take a pro-active approach and not wait until the problem occurs.

Dr. Buchanan presented a video showing the borrow pit and haul road area between the time of 8-24 and 8-28, including the streams flowing into the area. Commission, residents and developer discussed the lack of sedimentation controls as it exists around the borrow pit. Dr. Buchanan stated there is a problem but they are addressing those issues at this time. The residents stated their anger at the issue that nothing was done until there was a major problem. Mr. Simon stated he is doing everything he possibly can and everything that has been asked of him.

Mayor Young ~~stated~~ ^{started} to address the questions presented by Mr. Drazen on behalf of the Southwyck residents, the answer to the first question, is the Village of South Russell able and willing to protect the residents of Southwyck Lake from temporary and permanent damage as a result of the development of Emerald Lakes II, is yes to the extent they can legally and to the extent they have the resources to back up whatever demands are present. The Village is very concerned and committed to working with the residents and the developer and all the consultants to see that this situation can be resolved.

Village Engineer, Tom Voldrich, stated there has been plenty of correspondence and on-site direction given to the developer to prevent this type of situation from happening and as was reported earlier, up until August, 27th there has been few problems. Voldrich stated they

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have had erosion protection plans provided to them, for most of the excavating work however they have not had any plans provided for the borrow pit and haul road. Currently, they are putting together an entire erosion control plan for the whole development. Voldrich reviewed the process and stated he did not receive proper notification of doing the work on the haul road and borrow pit. Voldrich stated as soon as the system of soil erosion control broke down, the Village took immediate, severe action, the project was shut down the same day, within hours of the complaint. Voldrich stated he felt there should absolutely be no further work, until all available resources that the developer had were put forth to control the erosion. Voldrich read letter sent to Mr. Simon, 8-27-93, stating stop work order and measures to be taken to get area under control.

Mayor Young stated after listening to this conversation, he feels he needs to clarify one thing. What he thinks he is hearing is the Village was not notified by the developer prior to the road being cut to the borrow pit, is this true?

Voldrich stated yes, they were not given notice prior to the work being done.

Young stated the Village was not told the road was being cut and had we been told before it happened, we would have reminded the developer for the need of erosion controls. Voldrich stated this is correct.

Solicitor Markowitz stated the Village has a performance bond which is required of the developer in the amount of \$37,500. If in fact the Village believes there has been a violation of the plan approval, they have the right to take the money and fix a problem the developer is not willing to fix. Second, if the Village determines that there is construction going on and it is not in compliance with the plan approval and it might cause a problem in the future, the Village can require immediate compliance if it is determined to be an emergency, if not, they have 30 days to comply.

Markowitz stated the reason the Village has not called in the bond is because it is the opinion of the Village Engineer, that every time the Village has asked the developer to do something, he has taken the efforts that can be made to correct the problem. Markowitz stated it is evident that there has been work done without getting prior plan approval, this is a problem we are dealing with currently but if the Village Engineer determines that the developer is not doing what is being required, he will not hesitate to call in the bond.

There being no further discussion, Mr. Stanek stated he would like to encourage the Commission to make sure, before approving the final plat, that all the "i's" are dotted and "t's" are crossed and make sure all the necessary bonding is in place, what has happened to Southwyck Lake should never have happened and they are depending on the Village to protect them from any further damage.

Mr. Don Barr, Snavely Bldg. Co., stated he is filing his preliminary plat for phase II of Whitetail Run. Mr. Barr

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stated he is submitting a preliminary plat and a conceptual plan. The plan is totally different from the first plan submitted and approved several years ago. This plan shows 47 single family lots, lots are a minimum of one acre and there are eight "estate" lots of 1 1/2 acres and larger. This plan shows an interconnect road, as requested by the Village which will connect Whitetail with Emerald Lakes II.

Mr. Barr stated they plan on using ground water, Dr. Eckstein stated a few years ago that the area would support 58 units, they will be requesting an updated report but do not expect any problems.

Mr. Barr stated he is before the Commission for input as to the concept of this plan.

Commission reviewed and discussed the plan at length. Following this discussion, Mr. Barr stated he would like to come back at the next meeting to further discuss this plan and get the Commission's comments after they have had time to review it. Markowitz stated the one issue that is still unresolved is the inter-connect road. Mr. Barr stated he understands that issue is still yet to be resolved.

Mr. Steve O'Bryan, attorney for Sid Simon, Emerald Lakes II stated they have filed their final plat application, fee and plat for Emerald Lakes II and are requesting approval from the Planning Commission. Mr. O'Bryan presented a letter to the Commission which he stated will delineate their intent, copy hereto attached.

Mr. O'Bryan stated he has received a letter from Mr. Markowitz and all the comments Mr. Markowitz made regarding the application and plat, with the exception of the inter-connect road, will be noted on their final plat. Mr. O'Bryan stated the first phase will consist of Alderwood Trail development. The second phase will consist, when economics dictate, a future inter-connect road, at a time that is economically feasible for Mr. Simon however no later than 5 years from the beginning of construction. Mr. Simon has agreed to put in this inter-connect road, however Mr. Simon feels if and when the Snavely development is begun, they should use their entrance off of Rte. 306 for their construction traffic, not an entrance off of Bell and through the Emerald Lakes development.

Chairman Daniels asked if the easement for the sanitary sewer has been shown on this plat? Mr. Sy Weiss stated there is not an easement shown, due to the fact the exact placement has not been decided, but there will be one at the time a location is agreed upon.

Commission and Mr. Simon discussed the inter-connect road at great length.

Mr. Grindell, attorney for Snavely Bldg. Co., gave a brief history of the past three Commission meetings and his interpretation of what exactly was agreed upon as far as the inter-connect road and escrow agreement. Mr. Grindell stated that to make sure everyone understands the Snavely commitment, if the inter-connect road goes in today, they will advance half the cost of the

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inter-connect road and recover that amount out of the sales of the lots on that inter-connect road and on the Simon property. Another concern is the concept of working out the placement of the sewer easement. The availability of the sewer is important to not only Snavelly but to the Village in order to maintain an integrated sewer system for the Village. Mr. Grindell stated he is concerned with the concept of "working out the details between the two developers". They have not been able to work out the inter-connect, he doubts the sewer will get worked out either. Based on these issues, he would like to state the Snavelly Bldg. Co. objects to the proposal as presented tonight.

Several Village residents voiced their concerns as far as the Commission approving this plan tonight and asked the Commission to take their time to review these plans and make sure all requirements have been fulfilled,

Mr. Markowitz asked Mr. Simon if he would be willing to meet with Mr. Snavelly and try one last time to work out an agreement. Mr. Simon stated he would be willing to meet with Mr. Snavelly and Mr. Barr stated Mr. Snavelly would be willing to meet and he will have Mr. Snavelly call Mr. Simon.

Mr. Daniels stated the Commission is accepting the Final Plat Application for filing tonight and will take the 30 days to review the envelope plat layout.

Mayor Young stated he is asking the Village Engineer to be vigilant in inspecting the erosion controls that are being installed and no other work is to be done, other than erosion control work, until the Engineer is satisfied and have signed off in writing. Engineer agreed and stated he will follow the Mayor's requests.

There being no further business, meeting adjourned at 11:45 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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MEMBERS PRESENT: COTESWORTH, DANIELS, SUTLIFF, YOUNG, BUTZ-VOSS

OTHER OFFICIALS: T. VOLDRICH, D. MARKOWITZ,

GUESTS: S. SIMON, D. BARR, P. BAMEL, L. BUTLER, H. BUTLER, H. STAMM, K. ELLISON, G. STANEK, J. GOEGER, H. ADELSTEIN, J. TEAGRO, J. FOLEY, H. ROTH, J. ROBERTS, P. CADOO, T. GRENDALL, D. BARR, S. O'BRYAN, S. WEISS, S. MILLER, R. MILLER, W. DRIEMILLER, J. BISHOP

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, all members were present.

Chairman Daniels asked for additions or corrections to the July 3, 1992 minutes. Cotesworth stated on page 37, delete the word "to" in the third sentence, before the word "appreciate" and on page 38, third paragraph, change "improvements" to "improvement". There being no further corrections, Butz-Voss moved to approve the 7-3-92 minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels asked for additions or corrections to the July 14, 1992 minutes. There being none, Butz-Voss moved to approve the 7-14-92 minutes as recorded, Cotesworth 2nd. Roll call, all ayes.

Pat Bammel, representative from Kensington Green Homeowners Association, presented a request to amend their Homeowner Association's deed restrictions which would allow for the installation of concrete driveways. Ms. Bammel stated the revised restriction would read, "all driveways shall be asphaltic type, black top or concrete with iron oxide pigment, black concrete, and shall be installed within 6 months" Commission briefly discussed the proposed amendment. Following this brief discussion, Young moved to approve the amendment to the Kensington Green Homeowners deed restriction as presented, Cotesworth 2nd. Roll call, all ayes.

Mr. Paul Snavelly presented an application and plan requesting to reconfigure property located at 1625 Bell Road into three lots. Commission reviewed the plan and application. Markowitz stated one item the Commission needs to consider, is whether or not they want to have the building line set backs put on the the plat for the rear lots so the Zoning Inspector will know the reference point from which the house is to be set back. Mr. Snavelly stated this property is already divided into three lots, what he is doing is reconfiguring the lots as shown on the plan.

Commission discussed the plan as presented. Mr. Snavelly presented a two letters, one from Dr. Eckstein stating there is sufficient water to support this plan and second from the Geauga County General Heath District stating Snavelly has a permit to install a sewage disposal system.

Following a lengthy discussion, Cotesworth moved to accept the minor lot split conditioned upon the building line shown as 75 feet back, the rear line of subplot 3 and rear line of subplot 2 are deemed to be the front lines of set back on subplot 2 and subplot 1, Sutliff 2nd. Roll

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call, ayes.

Hal Stahn, Stahn Contracting and John Fortney, Medical Consultants Imaging Co., representing Chagrin Valley Medical Center, stated they are requesting permission to put in a doorway on the east side of the building and modify the parking area to allow for a medical imaging piece of equipment to be brought in and parked next to the building. Mr. Stahn stated the trailer will move in and out during the middle of the night, this piece of equipment services several other medical facilities during the week.

Mr. Stahn stated they will be lowering the parking area approximately four feet, installing a retaining wall and also adding a canopy. Commission reviewed the plan and development review application.

Following some discussion, Butz-Voss moved to approve the development review for the building and parking lot modifications needed for the MRI unit to be used at the Chagrin Valley Medical Center, Cotesworth 2nd. Roll call, all ayes.

Mr. Don Barr, Snavely Building Co., stated he is withdrawing his request to be placed on the agenda for informal discussion on Whitetail Run, phase II.

Mr. Sid Simon, Emerald Lakes II, stated he is before the Commission tonight to proceed with his development. Simon stated he is ready to post the bond, the final plat is currently being reviewed and all the rest of the documents are almost in final form and he would like to get conditional approval, subject to the Solicitor and Engineer, so he can proceed with the improvements. Simon stated Dr. Eckstein has written his report and he has stated there is sufficient water for this development.

Tom Voldrich, Village Engineer, stated they have finished their review of the improvement plans and they are in the process of setting the bond amount.

Mr. Markowitz stated he received a copy of the final plat and he has not had a chance to review it in total. The final plat needs to be reviewed by the Commission because it contains the envelopes and as part of the ordinance that the Commission adopted, it requires the Commission to review it on the Final Plat. Markowitz stated what he understands Mr. Simon is requesting is seeking approval tonight to proceed with his improvement plans, in order to get his road in. In the interim, the finalization of the association documents and the final plat language and layout of the envelopes can be completed, with the one big issue of the inter-connect road still to be resolved.

Mr. Simon stated he is willing to put in an emergency access road when there are residents ready to move into the Snavely phase II, what he is not able to do is put in a dedicated road with 11 lots, the economy is too risky to make that commitment at this time.

Mr. Simon stated he will commit to putting in the inter-connect road within the next five years, possibly sooner if his development is successful.

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Markowitz stated he would ask the Commission to allow anyone who wishes to speak on the issues before them regarding Emerald Lakes II to speak and following that discussion he would ask the Commission to adjourn into executive session, there are some implications on the existing litigation as well as the fact that there is also threatened litigation.

Tim Grindell, attorney for Snavely Development Co., stated Snavely is ready and willing to sit down and try and come to an agreement on the inter-connect road, anytime Mr. Simon is ready. Mr. Grindell state it is their opinion that the reason Mr. Simon does not want to give Snavely access through his property, via the inter-connect, for five years, is it will increase competition on the sale of the lots.

Mr. Grindell stated another concern he and the Snavely's have is the escrow agreement that is being proposed. One problem is it will make the Village the developer of that portion of Mr. Simon's property containing the inter-connect road and eleven lots. A second problem is the agreement never really finalizes a date that the inter-connect must be constructed. Mr. Grindell stated he does not feel the escrow agreement protects the rights of the tax payers of the Village and they feel it puts the Village in the wrong light vis a vis, how to deal with developers.

Mr. Grindell stated the Snavely's currently have a preliminary plan that is almost complete, showing major access off of Bell Road, as previously discussed at the last meeting. They do not intend to have any plans showing access from Rte. 306, unless access from Bell Road is denied by Mr. Simon.

Steve O'Bryan, attorney for Mr. Simon, stated it is clear the plan, as it is developing, that there will not be an interconnect road through the CEI lines, there will be cul de sac developments. In this case, each developer has to bear the burden of his own development. Mr. Simon is willing to still put in an emergency access road at the time when Snavely begins construction and then put in a permanent road within the next five years.

Commission, audience, developers and attorneys discussed at great length concerns, questions and ideas on the proposed developments. Following this lengthy discussion, Cotesworth moved to adjourn into executive session to discuss pending and threatened litigation regarding Emerald Lakes development, Young 2nd. Roll call, all ayes. Meeting adjourned at 9:57P.M.

Chairman Daniels reconvened the meeting at 11:00 P.M.

Markowitz stated as he understands, the Commission has been requested by Mr. Simon to grant permission to proceed with the remainder of the subdivision improvements so that he can install the road and utilities and then complete the review on the deed restrictions, the performance bond, the final plat, and the envelope layout.

Markowitz stated the discussion the Planning Commission had downstairs was to deal with that issue as well as the

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other issue which was, will we require a through road to be constructed as the Snavelly property has requested, which would be next spring or within a period of time not to exceed five years as Mr. Simon has requested, with an emergency road to be constructed by the time construction starts on houses in Snavelly's development so that there would be access.

Markowitz explained the Planning Commission considered the impact of the existing judgment entry and the order that is effected from that and has come to the view that that judgment entry does not affect or impair the ability of the Planning Commission to act on those requests or obligate them to act upon those requests.

The Planning Commission also discussed the fact that there has been threatened litigation against the Village in the event that we were to compel the Emerald lakes property to put in the road at a time before the developer is ready to commence that phase.

It is the view of the Planning Commission that they will not be taking any type of official vote or a straw vote tonight on either issue. The Commission has determined that there will be further review of the final plat when it's presented to them along with a review of the envelope layout before they are willing to give approval on allowing the completion of the improvements to go in. The reason for that is primarily that the Planning Commission has never seen the actual layout of the envelopes and there has not been a submission of any plan until tonight. As of tonight there is still no official submission of a final plat that lays out the envelopes.

Markowitz stated it is the view of the Planning Commission that it would not be in the best interest of either the developer or the Village to allow the improvements to go in without the Planning Commission having made the determination that the layout of the spur roads and the envelopes and the common area is in keeping with the ordinance that was adopted earlier this year to allow envelope zoning.

For this reason, the Commission is not willing to allow Mr. Simon to proceed with the improvement plan development which is a requirement of the subdivision rules that the Planning Commission review that and approve that before the road goes in.

The Commission has also determined from a review by CT Consultants of the condition of the road that it is possible that the road may not be able to go in this year, even if Planning Commission were to give approval tonight, due to the extreme wet condition of the property, partially due to the fact that there has been a lot of rain this year.

The Commission has also considered all of the implications of what decision should be made regarding the through road, and it has substantial impact, obviously on the people who live in Whitetail and Manor Brook.

It is the view of the Planning Commission, although no official action will be taken tonight, that a five year

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period of time to put in the through road is not in the health, safety and welfare of the South Russell Village residents that exist today or may exist in the future in either the Emerald Lakes development or in the Snavely Development.

This view is the result of a number of implications, first: the consideration of not having a through road through Whitetail Run property and also on the concern for the safety of the people who would be working or living in the Snavely development as well as the impact that it has on the Emerald Lakes property, and in consideration of the fact that there has been a variance granted by the Village to allow for the construction of additional lots, and the fact that Snavely has offered to pay up front for half of the road costs, and due to the fact that the subdivision regulations require the road to go in to the boundary of the property and to provide for the inter-connect.

The Planning Commission is of the view that a five-year period of time to do so is not a reasonable proposal and it is not willing to accept that at this time. The Planning Commission is willing to continue to meet with both developers as well as the residents of Whitetail and try to come to some resolution of this problem.

Markowitz stated the Commission is willing to continue to review the final plat of Emerald Lakes II when it's submitted and to look very carefully at the envelope layout, the spur road layout and to resolve those issues. The Commission will continue to try and work with both developers, to the extent that we can go try and work out some coordinated development of the properties.

Commission asked Mr. Simon to supply the Village with enough copies of the final plat when it is ready so the members will be able to review it prior to the next meeting.

Mr. Simon stated he will supply enough copies of the final plat for the Commission to review prior to the next meeting.

Mr. Jerry Bishop stated he is before the Commission to informally discuss the possibility of developing the Milstein property, located on the northwest corner of Bell and Rte. 306. Mr. Bishop presented a letter from Mr. Milstein stating he is representing Mr. Milstein in developing this property.

Mr. Bishop asked the Commission where he should entrance this property? Commission stated without any plan at all before them it is difficult to give an answer but it would be their thought it would be best to come off of Bell Road. Commission stated Mr. Bishop would have to get a report from the Village Hydrologist as well as permission from the County to tie into the sanitary sewers. Commission also reviewed the Subdivision Regulations and the Zoning Code as they relate to the Milstein property. Mr. Bishop stated he would hope to back at the next meeting with some plan to present.

There being no further business, meeting adjourned at

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11:45 P.M.

Charles M. Daniels, Jr.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

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Minutes of SPECIAL PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held July 14, 1992

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Members present: Daniels, Young, Sutliff, Butz-Voss

Other officials: D. Markowitz, T. Voldrich

Guests: S. Simon, D. Barr, F. Leonetti, G. Smith, L. Brown

Chairman Daniels called the special Planning Commission Meeting to order at 7:30 P.M. Roll call, Cotesworth absent.

Chairman Daniels stated tonight's meeting was for the purpose to further discuss the inter-connect road between the Emerald Lakes II and the second phase of the Snavely development.

Markowitz stated at the last Planning Commission meeting, 7-2-92, they were reviewing the Emerald Lakes subdivision and in particular the question of the inter-connect between Emerald Lakes II and the final phase of the Snavely Whitetail property, which would be to the west of the power lines. At that meeting, Mr. Simon requested to allow the main dedicated road to proceed for improvements to be installed and to enter into an agreement whereby the Village would agree the land for an inter-connect road would be held in escrow and at a certain specific time, the road would be put in. At that meeting, there was a discussion initiated by one of the residents of Whitetail Run, that the Village should consider running the inter-connect road through Emerald Lakes and through the final phase of Whitetail but end it with a cul de sac just west of the CEI easement. Mr. Simon, Emerald Lakes and Mr. Barr, Snavely Whitetail, did discuss the possibility, and indicated to the Commission they would need additional time to review this idea. They both requested this special meeting to further discuss this issue.

Mayor Young stated as a part of Mr. Simon's responsibility, according to the Subdivision Rules, if he develops his land, he must provide for an inter-connect between his land and the property to the north, the Snavely land. The strong feeling of Council and Planning Commission is there should be an inter-connect. There has been an alternative suggestion as explained by Mr. Markowitz. Young stated at last night's Council meeting, there was unanimous consent for a resolution which said, in effect, that Council supported the concept of a road connecting Bell and Rte. 306.

Young stated the Commission, at their last meeting, asked Snavely and Simon to meet and try and resolve the inter-connect issue and present their plan back to the Commission.

Mr. Frank Leonetti, resident of Whitetail Run, stated he does not understand why the Village is requiring the inter-connect when no one wants it, the developer does not want it, the residents do not want it, so why would the Village require it. He does not agree with the safety issue as previously discussed.

Mr. Barr, Snavely Bldg. Co., stated he comes to the meeting tonight in support of the concept that the road begin at Bell Road, go through the Emerald Lakes

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development, enter Snavely Development and end in a cul de sac on the west side of the power lines.

Mr. Simon stated he has met with the Snavely group, he feels they are very close to an agreement, but when they found out that Council made a resolution in support of the inter-connect, they decided to wait and see how Planning Commission acts on this concept.

Mr. Barr stated he does not feel they are as close to an agreement as Mr. Simon does, but they still are working at it.

Mr. Simon reviewed the various negotiations that have occurred between Snavely and Simon.

Mr. Simon, Mr. Barr, and Mr. Grindell discussed the past and current negotiations between Snavely and Simon regarding this inter-connect road.

Following this discussion, Mayor Young moved to adjourn into executive session to discuss existing and threatening litigation, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels reconvened the meeting at 8:45 P. M.

Mr. Grindell stated he, Mr. Barr and Mr. Simon spoke and they have made some progress and what they suggest is they will continue to meet and when the Planning Commission meets again they will have something in writing that shows the two adjacent properties have reached an agreement.

Mr. Young stated they have four of the five members of Planning Commission here tonight and there is a majority of the members that are willing to forgo paved access road under the power lines. They do feel if there are two cul de sacs, one on either side of the power lines, that there should be some provision for some type of gravel road that could be used for emergency vehicles, if ever necessary. It is the hope of the Commission that with this decision, if Snavely and Simon can agree on the specifics of the inter-connect between their two properties, that a resolution can be agreed upon.

Mr. Markowitz stated it is their view that assuming the majority of Planning Commission wants to grant the ultimate variance of there not being a through road to Rte 306 from Bell Road, it is his advice to the Commission that he does not feel they have the legal ability to force Emerald Lakes to have the inter-connect road put in this year, as part of the overall final plat approval process, as long as we receive adequate assurances that the road will be put in. Mr. Markowitz stated he and Mr. Rosner have been working on the escrow agreement and if these terms are satisfactory to the Commission, then we can allow the final plat to be approved and the improvement plans to be approved and for Emerald Lakes II to proceed. Markowitz stated he is saying this so everyone understands the spirit under which we think the two sides ought to be operating. On the other hand, there have been alot of special meetings and we are willing to keep meeting but we expect the developers to continue their negotiations in the proper

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spirit so they can come back to the Commission with something definitive.

Mr. Markowitz stated he needs to get the sense of Planning Commission on two conceptual issues. First, in phase one and phase two of the Emerald Lakes Subdivision, there is a substantial amount of common area in phase two that will be maintained by the phase two property owners and the question is whether the Commission require or desire that the phase one property owners have the right to participate in and vice versa have the duty to maintain the common areas of phase two. In the documents for phase one, there is no clear requirement that the two phases have to be tied in, in terms of responsibility of the common area. Mr. Simon stated the members of phase one association have stated they do not want to the responsibility for the substantial common area in phase two. The only question is if the Commission is in agreement with this, would you want the phase one people to have the right to use that common area of Phase two. Mayor Young asked that a letter be sent to phase one association asking if they wish to participate financially and be a part of Emerald Lakes II, then it will be on record and the Commission can make an informed decision.

The second issue is the single family lots that are proposed on the inter-connect road, should these 12 lots be part of the association that includes the condominium envelopes. Will the lot owners be willing to pay for the maintenance of the condominium areas? Commission discussed this issue at length. Commission agreed that the 12 lot owners should pay part of the maintenance costs of the development but not for the specific envelope maintenance, this could be accomplished in the deed restrictions.

Issues that have to be addressed in the escrow agreement are first, the timing of when the inter-connect would have to be put in, presently the language reads that the road must be put in within 5 years or when 10 families occupy their homes. Markowitz stated this issue may need to be amended due to there possibly not being an inter-connect road through the DEI lines. Commission agreed to further discuss this item at the next Planning Commission meeting.

The last issue on the escrow agreement is if the Village has to take the land back, Mr. Simon would like the agreement to read, that if the Village takes the land back, two things can happen, one is the Village can sell the land off, and if that is the case it would have to go out for bids, and who ever bought it would buy it with the condition that the road would have to be put in. Second, if the Village puts in the road, Mr. Simon would like to purchase the lots from the Village and he would reimburse the Village for the cost of the road, administrative costs and 15% overhead costs. Markowitz asked the Commission their opinion of this concept. Mayor Young stated he does not feel 15% is sufficient.

Mr. Simon and Mr. Barr stated they are in hopes they will have an agreement worked out by the next Planning Commission meeting, August 6, 1992.

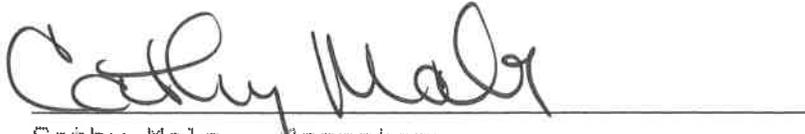
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There being no further business, meeting adjourned 9:30 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Members present: Daniels, Sutliff, Cotesworth, Young, Butz-Voss

Other officials: D. Markowitz, D. Hocevar, T. Voldrich

Guests: S. Simon, D. Barr, R. Rosner, L. Brown, J. Teagro, A. Savage, J. Groger, L. Bully

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members present. Daniels asked for any additions or corrections to the June 11, 1992 minutes. Cotesworth stated on the first page, following "change" the word "to" should read "the" and on the last page, following "Markowitz" the word "ask" should read "asked". There be no further additions or corrections, Cotesworth moved to approve the minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Daniels asked for any additions or corrections to the June 17, 1992 minutes. Secretary stated the following corrections were given to her from the Solicitor; page 33, paragraph one, first line should read "Special Planning Commission Meeting"; paragraph two, second to last line should read "they do not have a sufficient"; third paragraph, second line should read "surfaced" not "surface"; and fourth paragraph, fifth line should read "calculating of the required". There being no further additions or corrections, Cotesworth moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

Frank Robinson, architect for Ted Panhuis, presented a development review application and the plan showing a proposed addition to the existing veterinary clinic located at 536 E. Washington. Mr. Robinson explained what they are proposing is to demolish a section of the current building and enlarge the existing foundation for a proposed addition. Robinson stated the addition will provide additional space for the office area, as well as relocate the surgical areas of the office. They will also add a new entrance and replace some of the windows. Commission reviewed the plans and stated they felt the plans presented would be an improvement to what is already there. Commission asked the Building Inspector to verify that there was sufficient parking. Following a brief discussion, Cotesworth moved to approve the development review application contingent upon the Building Inspector verifying sufficient parking spaces, Butz-Voss 2nd. Roll call, all ayes.

Mr. Tom Radu, 17 Forest Drive, stated he is before the Commission to report on the progress of his final grading. Mr. Hocevar stated he sent Mr. Radu a letter in regards to the forfeiture of the final plat deposit, stating the Planning Commission had requested that proper soil erosion controls be installed. Mr. Hocevar stated Mr. Radu has complied with these requests and now the Commission must act upon the forfeiture request of the Building Dept. Mayor Young asked if there had been a permanent occupancy permit issued for this property? Mr. Hocevar stated only a temporary occupancy permit has been issued, there are yet a couple items that he has to inspect. One being the set of permanent front steps and another being the deck. Mr. Radu stated the deck is completed but the set of permanent steps has not been

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completed. Mr. Radu stated he is waiting for the area around the front to settle before he pours the front steps. Mr. Young asked when this would be completed? Mr. Radu stated he will complete it as soon as he is able to get his final plat deposit back from the Village. Mr. Radu stated he would be able to complete the steps within 30 days following the receipt of his refund from the Village. Commission discussed this issue briefly. Young moved to refund Mr. Radu \$400.00 of his final plat deposit, \$100.00 is retained by the Village for administrative costs, Cotesworth 2nd. Roll call, all ayes.

Mr. Dick Rosner, attorney for Sid Simon, Emerald Lakes II, stated they are present to discuss the inter-connect road that will run from Bell Road north to the Snavely development, which is north of Emerald Lakes II. Mr. Rosner stated Mr. Barr, Snavely Bldg. Co., and Mr. Simon met and struck a deal which basically stated Snavely would relocate their extension of Manorbrook Drive to the west and Mr. Simon would then allow the Snavely Development to tie into his sanitary sewer free of charge. Mr. Rosner stated if the through road does go through, it will impact Mr. Simon financially, he will have to pay for the cost of the road, he will forgo any payment from Snavely and he is also giving up a cul de sac street. Mr. Simon's feelings are, and substantiated by an appraisal, that the value of the lots on a through street are less valuable than lots on a cul de sac street. For that reason, Mr. Rosner stated Mr. Simon is requesting the Village to approve a subdivision consisting of a total 73 lots, which is five more than previously anticipated. The through road will be constructed within a period of five years. To secure the Village that the through road would go in, they are proposing they would convey to Midland Title, a deed conveying not only the area for the inter-connect but also the twelve lots that would be fronting on the inter-connect. An escrow agreement would be entered into between the Village and Mr. Simon that would provide that if Mr. Simon defaults in putting in the inter-connect, the escrow agent would be instructed by the Village to convey title to the Village at which point the Village would own the right of way and also the twelve lots situated on the right of way. Mr. Rosner stated they feel this is a very substantial security to the Village.

Commission reviewed and discussed the plan showing proposed inter-connect, as presented by Mr. Driemiller, Mr. Simon's engineer.

Mr. Joe Groger, Whitetail Run Condominium Assoc., stated they are at this meeting to learn what exactly is being proposed and also to voice their concerns with what is being proposed. Mr. Groger stated they had their annual meeting and they came to a general consensus that they are very concerned about a through road between Bell Road and Rte. 306 because they feel it would impact their environment in terms of safety, security and home life.

Mr. Len Brown, resident of Whitetail, stated he is very concerned with the possibility of this inter-connect becoming a cut-through road, similar to that of Daisy Lane. Several other residents voiced concern with the

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Held July 2, 1992

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possibility of this becoming a cut-through for all residents, therefore a huge safety issue.

Commission and audience discussed these issues at length.

Mr. Simon stated he has an idea he would like to present, one he just thought of and it might satisfy everyone. What would the Commission think if the road went through his development and into the Snavely development, phase two, and then the road would stop at the high tension wires, it would not go through to the phase one of Snavely development.

Mr. Barr stated this idea does have some merit, however he would need some time to present it to Snavely and there would have to be several issues worked out between the two developers.

Mr. Simon stated if this would be agreeable to Snavely, he would build the road right away.

Commission agreed the idea has merit and suggested Snavely and Simon meet to work out the specifics.

Mr. Don Barr, Snavely Bldg. Co., stated what Mr. Simon has presented does have merit and they would like to have the opportunity to review it further and there are several items that would have to be worked out. Mr. Barr stated if there is an inter-connect, their road would have to be relocated, therefore the engineering drawings would have to be redone, their approvals and variances that have been granted would be null and void, they would in essence have to start from scratch. What he would like to ask the Commission tonight, that in the spirit of cooperation, that the Commission to appreciate this and try to be as expedient as possible when they do come back with their revised plan.

Mr. Barr submitted a letter from their land planner, Cawrse and Assoc., which states that by relocating the ManorBrook Drive inter-connect it will increase the development costs \$230,000 to \$250,000, it will require major changes in the development plan, the approval process of the Village will need to start over, and variances previously approved would not remain in effect. Mr. Barr stated the Commission can see the effect on Snavely by moving this inter-connect and they ask the Commission to keep in mind the burden this will create and ask the Village to cooperate as much as possible in the approval process.

Mr. Simon stated another issue that he needs to discuss with the Commission is the need to proceed with the improvements in the dedicated road. Simon stated he needs to begin to put in the improvements in his road, they currently have the road graded.

Mr. Simon stated he would like to get permission from the Commission to go ahead and start the improvements, sewers, etc.

Mr. Markowitz stated Mr. Simon cannot proceed with the road until all the letters of credit and performance bonds are in place. Commission and Simon discussed this at length. Mr. Markowitz stated Mr. Simon currently has

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permission from the Village to do the earth work on the road and that is what Mr. Simon has posted a letter of credit for, beyond that, he can not proceed until the final improvements plans are approved and the letters of credit are posted.

Mr. Simon stated he needs to proceed with the road work, the summer is flying by and he needs to continue the installation of the road.

Mr. Voldrich stated the improvement plans are in the approval state, however he cannot give final approval until the inter-connect issue is resolved.

Mr. Markowitz stated if the Commission is in agreement that Mr. Simon should be allowed to proceed with the completion of the improvements for the dedicated road, he would proceed now with the deed of trust and the agreement with the escrow. Once Snavely and Simon have come to an agreement on the inter-connect, the Commission can then look at the additional lots and decide what should be allowed.

Mr. Simon stated in order to negotiate with the Snavely's, he needs an answer on the lots, will he get them or not. Markowitz stated the Zoning Board of Appeals will make the final decision on whether any additional lots will be allowed. The Commission can give a straw vote, but it is not binding.

Following a lengthy discussion, Mr. Simon asked the Commission to take a straw vote on the additional 5 lots. Mr. Markowitz stated what the Commission should do is make a recommendation to the ZBA, regarding the additional lots being requested by Mr. Simon. Mr. Sutliff stated he would make the motion that the Planning Commission recommends approval to ZBA to proceed with approving a total of 5 additional lots, which is a net of three lots, totaling 73 lots in the second phase of Emerald Lakes, Cotesworth 2nd. Roll call, ayes, Sutliff, Cotesworth and Daniels; nays, Butz-Voss, Young.

Mr. Markowitz stated he and Tom Voldrich are going to need some direction from the Commission as far as how they want them to proceed. They need to know if they are authorized to give the go ahead for the improvements to proceed, knowing that the final plat has not been approved, the declarations have not been approved, landscaping plan has not been approved, and in addition, the land of the inter-connect needs to be placed in trust as previously discussed.

Commission discussed these issues at length. Sutliff stated as far as he is concerned, if the Commission is concerned with the health and welfare of the Village, the ground is all opened up in Emerald Lakes and the Village will suffer if we don't proceed quickly with putting in the utilities and completing the road. Sutliff stated he feels it is very important the Commission find a way to get the improvements in and completed for the main entrance road.

Mr. Markowitz stated the final plat can not be approved or filed until the inter-connect road issues are settled and the Commission approves the plan. Markowitz stated

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DAYTON LEGAL BLANK CO. FORM NO. 1014B

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even if the road is completed, Mr. Simon will not be able to start construction of any homes until the final plat is approved by the Commission and recorded with the County.

Mr. Simon stated what he needs tonight is permission to go ahead and construct the road, while he works out all the details of the inter-connect with Snavely.

Sutliff moved to allow the developer, Mr. Simon, to proceed to put in the improvements to the dedicated right of way once the bonds and letter of credit are in place, once the Block A is put in an acceptable trust, conditioned upon the approval of the variance by the Zoning Board of Appeals on the five additional lots. Following a lengthy discussion, the following amendment was made to the motion; moved to allow the sanitary sewer to proceed before any of the other above items occur, as long as the inspection deposits for CT Consultants are put up with the Building Dept. Cotesworth 2nd. Roll call, all ayes.

Mr. Simon asked that the Commission hold a special meeting, he hopes to meet with Snavely within the next week and he would like to meet with the Commission to discuss their plans.

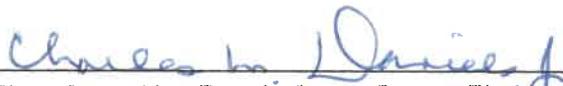
Following a brief discussion, Commission agreed to hold a special meeting on July 14, 1992 at 7:30 P.M.

Markowitz stated he is presenting a proposed ordinance which would amend the Zoning Code, allowing the Village to appeal the decisions of the Zoning Board of Appeals. Markowitz stated the impetus of this amendment is the Ohio Supreme Court last week ruled that municipalities can only appeal adverse decisions of their Zoning Board of Appeals if they have it in their charter or in their ordinances.

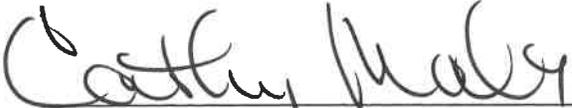
Following a brief discussion, Sutliff moved to recommend to Council adoption of this proposed ordinance which would amend section 3.07 of the Zoning Code which gives the Village the authority to appeal adverse Zoning Board of Appeals decisions to the Court of Common Pleas, Cotesworth 2nd. Roll call, all ayes.

Mr. Hovevar presented the revised plot plan of the police station, showing the parking and driveway. Commission reviewed the plan. Following a brief discussion, Cotesworth moved to approve the revised plan of the police station plot plan, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:30 P.M.



 Charles M. Daniels, Jr., Chairman



 Cathy Male, Secretary

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RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held JUNE 17, 1992

19

MEMBERS PRESENT: Daniels, Cotesworth, Sutliff,
Butz-Voss, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: S. Simon, R. Rosner, S. Ciciretto, W.
Dreimiller, E. Gottschalk, Jr.

Chairman Daniels called the Special Planning Commission Mtg. to order at 7:30 P.M. Roll call, all members present. The minutes for the June 11, 1992 meeting were not completed, no action was taken.

Mr. Dale Markowitz stated there are two issues remaining for the development review application for Hunan's restaurant, as filed by Ed Gottschalk, Jr. at the last meeting. Mr. Markowitz stated first is the hard surface requirement for parking areas and the second is the storage building is currently included in the calculating the required number of parking spaces, unless the Commission waives this requirement. If the storage building is included, they do not have sufficient number of parking spaces.

The Commission reviewed the parking plan and discussed the areas that were hard surfaced and those that were not. The gravel areas of the parking are in the rear of the building, all parking in front is asphalt.

Commission discussed the storage building and the requirement of including it in the parking calculations. Following brief discussion, Sutliff moved to waive the requirement of including the storage building in the calculating of required number of parking spaces and to waive the requirement for a hard surface parking area for the proposed Hunan Restaurant, Butz-Voss 2nd. Roll call, all ayes.

Mr. Gottschak stated they will be providing additional lighting of the parking area.

Mr. Sid Simon, Emerald Lakes II, presented a revised plan showing a new location for the inter-connect road. Mr. Simon stated after the last Commission meeting, he contacted Mr. Snavely and they met and agreed on the location of the interconnect as shown on the plan presented tonight. Mr. Simon explained Snavely was originally going to pay him \$100,000 in order to tie into the sewer lines. Since that time, Snavely has agreed to extend their street, at their own cost, which will shorten the Emerald Lakes inter-connect. Snavely will not pay the \$100,000, if they extend their street as shown on the plan. Mr. Simon stated to offset some of the cost, possibly 25%, they are proposing, instead of 17 additional lots, 3 lots and this would take care of all the requirements the Village is requesting.

Commission discussed this plan at length. Mr. Simon stated his plan is to phase his development, the inter-connect would be in the 2nd phase. Mr. Markowitz stated if the inter-connect is going to be in the 2nd phase, Mr. Simon must provide some guarantee that the inter-connect will be put in. Mr. Simon stated he could make it a paper street and deed it to the Village. Mr. Markowitz stated that would not guarantee the Village the

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road would be put in. Mr. Simon stated he can not put in this road at this time, he financially can not do it. Mr. Simon stated he feels the 10 lots on the inter-connect should be guarantee enough that he will put in this road, he could not afford to not be able to sell these lots, he just does not have the financial capabilities at this time to put in the inter-connect. Commission discussed the issue of guaranteeing the inter-connect at great length.

Mr. Markowitz stated the Village must be guaranteed that this road will be put in, sometime in the future. Markowitz stated what the Commission is saying is this road must be put in when the first phase is being put in, or, some form of a guarantee must be in place that will assure the Village the road will be constructed. Simon stated he can not do either one, he does not have the money or any other arrangements. Mr. Simon stated he does not understand why this road is now being required, it was not an issue when they started the discussions three months ago.

Commission asked what can they do or get, that will guarantee the road will be built. Mr. Markowitz stated he is not a magician or a financier, he is just telling the Village the only way to guarantee that the road will be put in, is to get something that has teeth in it and it will hurt if it is not put in and that is either cash in the bank or some collateral that is easily liquidated so the Village can get the street put in or a letter of credit or something of this nature. Markowitz stated he has always stated the inter-connect has been a requirement to the approval of this development, there has been discussion of dropping this requirement but it has always been an issue.

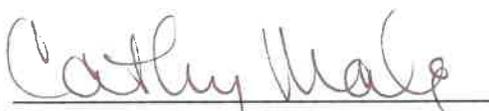
Commission discussed a number of methods which would guarantee the installation of the inter-connect at great length.

Mr. Markowitz stated the possible options that would guarantee the road would be built are cash, a letter of credit, performance bond from a surety company, the Village holding the land in the Village's name or some other suitable collateral given to the Village.

Following a lengthy discussion, no agreement was made between Mr. Simon and the Planning Commission.

Chairman Daniels adjourned the meeting at 9:45 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held JUNE 11, 1992

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MEMBERS PRESENT: Daniels, Cotesworth, Sutliff, Butz-Voss, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: S. Simon, R. Rosner, S. Ciciretto, W. Dreimiller, E. Gottschalk, Jr.

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members present (Butz-Voss arrived at 7:45 P.M.) Chairman Daniels asked for any additions or corrections to the May minutes. Mr. Markowitz stated on Page 18, the words "stated the" should be added after "Mr. Simon" in the first paragraph. There being no further corrections, Sutliff moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

Mr. Markowitz stated one thing he would like in the record tonight is, the Planning Commission is expecting the Police Dept. to come back to the Commission and formally present the plan showing the parking and connecting drive for their review and approval. This is a condition of the approval granted at the last meeting. It is not on the agenda for tonight's meeting and he hopes it will be at the next meeting.

Mayor Young asked the Secretary to send a copy of the action taken on the Conditional Use Permit for the Police Station to anyone who was at the meeting last month and came to address that issue. Commission agreed.

Steve Ciciretto, architect for Martguild, Inc., stated he is before the Commission with a plot plan, showing the existing building and the proposed addition. Mr. Ciciretto stated the surveyed plot plan shows there will be no need for any variances, for side yard set back or for parking. Commission reviewed the plan. Mr. Ciciretto stated the plan complies with all the zoning regulations, the building dept. has stated there is no need for any variances for the proposed addition to this building. Commission asked if this plan was a surveyed site plan. Mr. Ciciretto stated the information from the site plan has been transferred to the plan presented tonight, however what is presented tonight is not a stamped surveyed site plan. Following a brief discussion, Sutliff moved to approve the development review application contingent upon Eng. Voldrich verifying the lot dimensions with the engineer of Martguild, Inc., Cotesworth 2nd. Roll call, all ayes.

Mr. Ed Gottschalk, Jr., presented a plan which will change to old Dairy Mart, at 510 E. Washington, to a Chinese Restaurant. Mr. Gottschalk presented a surveyed plot plan, showing the existing office building, the old Dairy Mart, and a storage shed. They need 79 parking spaces and the plan shows 84. Mr. Gottschalk stated they will not be increasing the size of the building, they will only be renovating the interior. Mr. Gottschalk stated they are requesting development review approval for this plan.

Commission reviewed the plan and discussed at length. Markowitz stated this is the first time he has seen the plan, he would like to have time to review and report

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back to the Commission. Mr. Voldrich stated he has not had an opportunity to review the plans prior to tonight's meeting.

Following lengthy discussion, Sutliff moved to approve the development review application for the proposed Hunan's restaurant contingent upon the Village Solicitor and Engineer's review and approval of any zoning issues regarding proposed plan and upon the plan showing landscape barrier, Butz-Voss 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lakes II, stated he is before the Commission requesting clarification on the interconnect road. Mayor Young stated at the last Council meeting he stated his personal position was that there should be an interconnect road between the Emerald Lakes development and the Snavely development and he could not see approving any additional lots for the interconnect road. Mayor Young stated Council had a strong consensus that the interconnect road should be required and no additional lots should be approved.

Mr. Simon stated he did not feel this is fair, the interconnect road will have no benefit to him and he is being expected to pay for the road and he does not feel it will benefit him whatsoever. Mr. Simon stated he can not do this, there is no way he afford to pay for this road.

Commission discussed the issue of the interconnect road at length. Mr. Markowitz stated what he would suggest to Mr. Simon is he look at his plan in relationship to what Snavely is going to do with their plan and see if there can be an agreed interconnect, one that will not cost \$500,000. Mr. Simon stated he has had many, many meetings on this interconnect and up till now they have not been able to come up with an agreement with Snavely. Mr. Simon stated he can not put in this interconnect road.

Commission asked Mr. Simon to contact the Snavely Development Co. and see if they can work out a plan that will provide an interconnect road and one that will not cost Mr. Simon \$500,000. Mr. Simon stated he feels this is a hold-up and the Village is being unfair.

Markowitz stated what the Commission is asking of Mr. Simon is what is required by the Subdivision Rules, when there are two undeveloped parcels, where they both are going to be subdivisions, there will be provided an interconnect road. Mr. Simon appears to be the first to develop, therefore he must provide for an interconnect road. The Village is not telling Mr. Simon where to place the interconnect road, the only requirement is, there must be an interconnect road and it is up to Mr. Simon and Snavely to work out the placement of this interconnect road.

Commission discussed the issue of the inter-connect road at great length. Commission asked Mr. Simon to contact Snavely, meet with them and try and work out a solution for the interconnect. Commission agreed to hold a special meeting on Wednesday, June 11th to discuss with Mr. Simon what he was able to work out with Snavely Development.

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Mayor Young stated Mr. Radu, 17 Woodside, has removed the dirt piles but he has not seeded or planted any ground cover. Commission discussed the forfeiture request of the Building Dept. for the final as-built print. Commission agreed to continue the forfeiture until the next meeting, with the understanding the Village would write Mr. Radu a letter asking him to seed or plant ground cover prior to the next meeting and then at that time they would consider the forfeiture request.

Markowitz ask Engineer Voldrich if he had worked out the final punch list for Bramble Farms, the letter of credit has expired however the bond is still in effect. Mr. Voldrich stated he has sent a letter recommending a release of the balance of the letter of credit.

Chairman Daniels stated he has a request for a sign permit for Marshall Kidd's antiques business located at the corner of Rte. 306 and Bell Road. Markowitz stated the use is a non-conforming use however he has the right to advertise the non-conforming use but the sign must comply with the sign regulations. Commission reviewed the sign plan. There being a brief discussion, Commission approved the sign plan as presented.

There being no further business, meeting adjourned at 9:45 P.M.



 Charles M. Daniels, Jr., Chairman



 Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

013

Minutes of PLANNING COMMISSION

Meeting

PUBLIC HEARING: Conditional Use Application

DAYTON LEGAL BLANK CO., FORM NO. 1014B

S. R. Police Station

Held May 15, 1992

19

MEMBERS PRESENT: BUTZ-VOSS, SUTLIFF, DANIELS, YOUNG, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR, T. VOLDRICH
GUESTS: T. MARTIEN, D. MARTIEN, T. LACKOVIC, M. SLODOV,
C. BLONDIN, B. JOHNSTON, J. SINGER, S. CICIRETTO, J.
GOODMAN, G. HOLZ, D. ROOD, S. SIMON, W. DREIMILLER, R.
ROSNER, D. BARR

Chairman Daniels called the meeting to order. Roll call, all members present.

Chairman Daniels asked for any corrections to the April minutes. There being none, Butz-Voss moved to approve the minutes of the April 9, 1992 meeting as recorded, Cotesworth 2nd. Roll call, all ayes.

Mr. Scanlon, Chagrin Lakes, presented a landscape plan for the entrance at Rte. 306 and Sheerbrook Drive. Commission reviewed the plan and following brief discussion, Young moved to approve the plan with the condition that the river stone be removed, Butz-Voss 2nd. Roll call, all ayes.

Mr. Scanlon, Chagrin Lakes, presented a landscape plan for the Sheerbrook cul-de-sac. Commission reviewed the plan and stated they wanted careful consideration made to insure proper drainage. Mr. Scanlon assured the Commission that would be done. Following brief discussion, Sutliff moved to approved the plan, Young 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order for the request for Conditional Use of the proposed Police Station, 1227 Bell Road. Chairman Daniels read the Public Notice as published in the Geauga Times Leader on 4-15-92. Daniels explained the meeting was advertised for May 7, 1992 and had to be rescheduled for 5-14-92 due to the Commission not having a quorum on the seventh.

Mayor Young stated the Village has been in need of additional office space for quite awhile. When the opportunity became available to purchase the home next door, the Council acted and ultimately the purchase was made. Following many discussions, the Council has decided to move the Police Station to this location. However prior to making any alterations to the structure, the Council has decided to apply for a Conditional Use, as required by the Zoning Code.

Mayor Young stated they are not planning on any major exterior renovations, they have plans to do interior renovations. It will be designed for handicapped access, the drive will access into the existing Village parking lot, the parking will be in the rear of the building. Young stated the main access to this new station will be through the existing Village parking lot, Young stated there will be a 6 foot addition to the garage, in order to provide for a three bay garage. The garage will open to the rear of the property. The Village wants to maintain the structure to look as much like a residence as it does right now. Mayor Young stated he has heard rumors that the Village will be putting in a fire station, there will be ambulance service and even a jail. None of these options are a possibility and the

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Village has absolutely no intention to do any of the above. Mayor Young stated they will maintain the landscaping as it exists, there may be some minor modifications however they will not be clear cutting the area, they will go to great extent to try to maintain the foliage that currently exists. Mayor Young stated there is a consensus among the elected people that this will be the appropriate place for the Police Station, it will be a good use for the property and an enhancement for the Village and would improve the ability of the Police to serve the needs of the public.

Tom Lackovic, 30 Annandale Drive, was sworn in and asked if the new Police Station would require additional water source where a new well would be drilled or will it use the existing source and what about the sanitary sewer? Mayor Young stated they will use the existing well and it is connected to the sanitary sewer.

Mr. Michael Slodov was sworn in and asked why the Village was requesting a conditional use permit. Mr. Markowitz stated the Zoning Code specifies that public uses, such as a Police Station, are a conditional use and the district where this house is located is a residential district which requires all public uses, including the Village uses, to be subject to the conditional use process when you are going to change from a permitted to a conditional use. Mr. Slodov asked if the Village was not immune from the application of its own Zoning Code? Markowitz stated the Village took the view that in this particular instance, the Village should comply with the conditional use requirements. There have been occasions in the past where members of their firm, acting as solicitors, have indicated to the Village that they were exempt from the Subdivision or Zoning Code regulations, however in this particular case they felt the Village should subject themselves to the conditional use process.

Tim Martien, 1229 Bell Road, was sworn in and asked to see the proposed plan. Commission and audience reviewed plan.

Claudette Blondin, 27 Annandale Drive, was sworn in and asked if there were any plans for the remaining land located to the rear of the residence, does the Village have any future land use plans?

Mr. Young stated the Village does not have any plans for the property to the rear. The only addition will be a telephone switching box, located near the driveway which will have sufficient screening.

Betsy Johnston, 25 Annandale, was sworn in and stated she did not get notice of the meeting because her property does not abut this property however she has a better view than most. If there are any future meetings on this issue, she would appreciate notification. Commission agreed that could be done.

Ms. Johnston asked what would prevent somebody from coming in 10 years from now and cutting all the trees that provide screening, are there any provisions that will be put in place to protect the residents in the future?

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DAYTON LEGAL BLANK CO. FORM NO. 1014B

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Mayor Young stated there are no guarantees for 10 years from now however the Village officials who are here now or who will be here in 10 years have a responsibility to the citizens of South Russell to keep the Village as nice as it is possible. Unfortunately there is nothing that is legally binding, but hopefully the Village has demonstrated their acts of good faith by going through this process.

Mr. Slodov asked if in a gesture of good faith if the Planning Commission or Village Council would be interested in considering a zoning amendment which would mandate that the Village must comply with their Zoning Code?

Mayor Young stated he personally takes that request as an insult, considering the acts of good faith the Village is demonstrating by going through the conditional use process.

Mr. Slodov stated the Code does not mandate the Village go through the process for conditional use, there are no checks and balances, it is a showing of good faith and that is it.

Mr. Martien stated he feels what the residents concerns are based on is the fact that there is nothing preventing the Village, two, three or ten years down the road, from coming back and asking for another conditional use for another building. Mr. Young stated they have acknowledged that situation could in fact occur.

Mr. Slodov stated he would like to submit a number of conditions for the Planning Commission to consider when acting on this application.

Mayor Young asked Mr. Slodov if he was acting on his own behalf as a resident or was he representing someone. Mr. Slodov stated he is not a resident and he is representing Mr. and Mrs. Martien.

Mr. Slodov stated he would like to present to the Commission two appraisals of Mr. Martien's property on the impact of the proposed conditional use permit. Commission reviewed the appraisals written by Jack McFarland. Mr. Slodov stated basically what the substance of the appraisals points out is the impact of the proposed conditional use, as well as any proposed governmental use of the property, will be detrimental. Mr. Daniels read the appraisals out loud.

Mr. Slodov stated he has a list of conditions he would like the Commission to consider imposing if they approve the Conditional Use Permit. Mr. Slodov stated the first is to request a plan showing the proposed drive and parking plan be submitted prior to the Commission taking any action on this application.

Mr. Slodov stated he would request that if there was an intent of not to comply with the conditions of the permit, that the residents be notified.

Mr. Markowitz stated if the Village wanted to modify the permit, under the Code, there would have to be another public hearing held.

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Mr. Slodov asked if there was any plan for lighting? Chief Laderer stated there is not plan for special lighting at this time.

Mr. Slodov asked a condition be added that would require preservation and/or replacement of existing trees and screening.

Mr. Slodov asked if there was any additional signing to be added, that the plan be included with this application.

Mr. Slodov asked that a condition that no structure for an antennae be located on the property be included.

Mr. Slodov asked a condition be included which would state that no sirens or lights be used until the cars are off the premises.

Mayor Young stated that condition is really stupid and the police only use the sirens and lights when they are needed and he will not restrict the use of sirens and lights.

Mr. Martien stated he hopes there is not any misunderstanding, all he is asking for is reasonableness and good faith and some conditions in writing on the Conditional Use Permit.

There being no further discussion, Chairman Daniels adjourned the Public Hearing at 9:45 P.M.

Chairman Daniels reconvened the Regular Meeting at 9:55 P. M.

Steve Ciciretto, representing Martguild, stated he is before the Commission with regard to the proposed addition to the Martguild building located at 57¹/₂ Industrial Pkwy. Mr. Ciciretto stated they have reviewed the site plan and it appears that the building is within the side yard setback as required by Code, however there is a question as far as the parking lots, a variance may be necessary. Commission reviewed the plot plan and asked if this represented a surveyed plot plan. Ciciretto stated it did not. Commission reviewed the plan. Commission stated they can not take any action without a surveyed plot plan.

Following a brief discussion, Young moved to defer judgement on development review application of Martguild until a surveyed site plan is submitted, Cotesworth 2nd. Roll call, all ayes.

John Goodman presented a plan showing a 5 lot development off of Rte. 306 which will be serviced by sanitary sewers and storm sewers. Commission reviewed the plan as presented.

This is an informal presentation, no application has been filed. Commission stated they liked the plan and use of the property.

Commission stated Mr. Goodman needs to make formal

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Held May 14, 1992

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application and come back when their plans are complete.

Dr. Gary Holz stated he is before the Commission to discuss the possibility of using the small building next to his dental office, 5505 Chillicothe Road, as a medical office. Dr. Mark Rood has stated he is interested in renting this space, however there is a problem with sufficient parking. Dr. Holz stated he has spoken with Councilman Taylor regarding this problem and they talked about the possibility of using the space on the south side of the smaller building, that is part of the Village property for additional parking. Dr. Holz stated it is a pre-requisite to using this building to be able to use this area for parking.

Another issue that will have to be addressed is access to his property. With the road widening project underway, Dr. Holz stated he is not sure whether this will prevent him from using his current entrance. There has been some discussion, that given the proximity of the current entrance to the corner, maybe it would be worthwhile, safety wise, for the entrance be moved onto Village property. Commission discussed this issue at length.

Dr. Rood stated he has outside financing available for this project however he needs some clear indication from the Village on whether this parking issue can be resolved.

Mr. Markowitz stated this is not in front of the Commission as a development review, it is an informal discussion trying to determine if it is a feasible concept. Markowitz stated one concern he has is if the Village decides they will lease space for parking, he does not know if it needs to be bid out. Markowitz stated he will research this issue and let the Commission know.

Following further discussion, Cotesworth recommended to Council that they enter into an agreement that will be subject to the Solicitor's review and subject to any requirement to bid, to allow for parking and access through the Village's property to Dr. Holz's property, conditioned upon the use of the building being limited to physicians and dentists, conditioned upon the access from Rte. 306 being closed and subject to any legal forms recommended by the Village Solicitor, Sutliff 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lakes II, presented a revised plan showing a connecting road to the Whitetail Run property. Mr. Simon stated they have shown the road and in addition to the road, they have added 17 additional lots. Commission reviewed the plan as presented.

Mr. Don Barr, Snavelly Development, stated neither he nor Mr. Simon really care if the through road goes in, however if it is required, this plan as presented is a solution to putting in the road and adding the additional lots offsets the cost of putting in the road.

Commission stated they are concerned with the fact of adding 17 additional lots. Mr. Simon stated another solution would be to make this a paper street and deed the right of way to the Village and if it becomes

Held

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necessary to put the road in, the Village could do it, at a later date. Commission discussed the issue of the interconnect road at length.

Mr. Simon stated the issue of the inter-connect road does not have to be resolved tonight. Mr. Markowitz stated it will have to be resolved prior to the approval of the final plat. Mr. Simon stated he understands that this is quite a change, the Commission does not have to make a decision tonight. Mr. Simon asked that the Commission think about this, review it with Council and this issue can be addressed at the next meeting. Mr. Simon stated he did not expect any action on this issue at tonight's meeting.

Commission stated their biggest concern regarding the installation of the inter-connect is safety and being able to get emergency vehicles into this area the most efficient way.

Mr. Simon the issue he would like to have the Commission act upon is granting permission so that he can begin grading for the entrance road. Mr. Simon stated he has the needed approvals for the entrance road. Mr. Voldrich stated he has completed his review of the entrance road however the items left for completion is the final water report from Dr. Eckstein, there is one well left to be drilled; the bonds have to be set, the final plat has to be approved, the soil erosion control measures have to be finalized, and all in all he is about 90 % completed with the plan approval stage.

George Stanek, Southwyck Lake resident, stated this a critical time now that the earth has been opened up and grading has begun. If the skies open up, Southwyck Lake will be besieged with silt like it did six years ago and they don't want that to occur again. Mr. Voldrich stated Mr. Simon currently has a soil erosion bond in place of \$1,000.00 for the work he is currently doing. Commission questioned whether this was a sufficient amount? Mr. Markowitz stated the Village, in setting the bond amount, has not put a value on the damage to the properties outside of Village property. What the bonds have reflected is the cost of the Village completing what the developer is obligated to do under the improvement plans and the subdivision regulations and the erosion control ordinances. The bond is not intended to protect the property owners or homeowners associations that could be detrimentally affected.

Mr. Simon stated what he is requesting tonight is to be able to go in and do the grading for the entrance road. Simon stated Dr. Eckstein has not completed his report, however he was suppose to contact Mr. Markowitz and give him a verbal preliminary report.

Mr. Markowitz stated he spoke with Dr. Eckstein and he stated essentially everything looked good and that he could not give a definitive opinion because all the wells were not complete however the shallow wells are producing a better quantity than expected and that he felt if the remaining wells drilled would look like the ones they have already drilled, there would be enough water to do wells for 70 homes, but he emphasized he did not want the Commission to rely on this until all the wells are

Held

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1. The premises shall be used as a Police Department only and shall not be used as a Fire Station or as a facility for medical ambulance services

2. In the event the Village intends to change the use of the premises for any purpose other than a Police Department or for single family residential purposes, the Village of South Russell shall obtain the approval of the Planning Commission of South Russell so long as such proposed new use is a conditional use or not permitted as a permitted use in the district in which it is located at the time the proposed change of use is contemplated.

3. The Village shall locate the parking spaces and access drive to the existing Village Hall property on the plans and re-submit the same to the Planning Commission. The configuration and location of the access drive shall be subject to the approval of the Planning Commission. The site plan shall also locate the visitor parking spaces, if any, to be located north of the existing building.

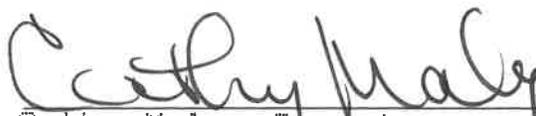
Moved by Sutliff, seconded by Cotesworth. Roll call, all ayes.

Markowitz stated the Performance Bond for Bramble Farms is up and there are some items yet to be resolved. Voldrich stated he will work out these items of concern and he recommended the Commission not taking any action at this time.

Dave Hocevar reported the final as built has been submitted for the Radu residence however the review and approval by the Engineer has not been completed. Commission agreed to grant a continuance until next month, waiting for action from the Engineer's office.

There being no further business, meeting adjourned at 12:15 A.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held May 14, 1992

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completed and his report is written.

Following a lengthy discussion, Cotesworth moved to allow the developer to grade the entrance road only and to do so in accordance with an approved erosion control plan, approved by the engineer with the bond approved by the Solicitor and Engineer, in form and amount to cover the cost of repair and to cover potential liability to down stream properties and to require the developer to attain approval of the Engineer before they take any fill dirt from any property on-site and to provide for on-site inspections by CT Consultants during the grading process and to obtain pre-approvals as to the scheduling of the on-site work, Butz-Voss 2nd. Roll call, all ayes.

Mr. Richard Rosner stated in the zoning amendment regarding the envelopes, there is a requirement that there is a 10 foot easement along the side and rear yards of each of the envelopes. In laying out some of the homes on this plan, it has been determined that the home would encroach on the rear easement so what they would like to do is provide for the easement along the front and not the rear. Mr. Markowitz stated the easement is for an access to get the water line from the well to the envelope. Commission briefly discussed and stated they had no problem with this. Markowitz stated he feels this change could be handled on the final plat and will not need to amend the zoning.

Commission discussed the conditional use permit request for the Police Department. After a lengthy discussion, the following action was taken:

WHEREAS, the Village of South Russell has requested a conditional use permit to use and occupy the premises located at 1228 Bell Road, South Russell Village for use as the Police Department for the Village of South Russell; and

WHEREAS, a Police Department is a conditional use permitted in a residential district within the Village and the property at 1228 Bell Road is adjacent to the existing South Russell Village Hall, and abuts the common area of Kensington Green Subdivision and is across the street from existing residences on Bell Road; and

WHEREAS, it is the desire of the Planning Commission for the Village of South Russell to keep the property at 1228 Bell Road as undeveloped as possible and still allow its use as a Police Department; and

WHEREAS, the Planning Commission believes that the Village should maintain the existing foliage and landscaping in place to the extent reasonably possible and to replace or enhance the foliage, landscaping, and trees in order to maintain the existing greenery and natural screening located on the property.

NOW THEREFORE, the Planning Commission for the Village of South Russell hereby approves the conditional use application of the Village of South Russell for the premises located at 1228 Bell Road to be used as a Police Department for the Village of South Russell upon the following conditions:

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held APRIL 9, 1992

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MEMBERS PRESENT: COTESWORTH, DANIELS, YOUNG, BUTZ-VOSS

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR, K. LADERER

GUESTS: J. GOODMAN, S. SIMON, T. RADU, S. CICERRETTO

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Sutliff absent.

Chairman Daniels asked for corrections to March meeting minutes. Cotesworth stated the word "as" should be added before the word "amended" in the third paragraph, 9th line. There being no further additions or corrections, Cotesworth moved to approve the minutes as corrected, Young 2nd. Roll call, all ayes.

Chief Kurt Laderer stated he is before the Commission to file a conditional use permit application, requesting to use the structure at 1228 Bell Road for Police offices. Commission discussed briefly and Markowitz stated a date for a public hearing needs to be set and adjoining property owners need to be notified of this meeting. Mr. Hocevar stated the applications have been completed and are submitted tonight. Following a brief discussion, Young moved to hold the Public Hearing on May 7, 1992 at 7:30 P.M. for the Conditional Use application for the proposed Police Station., Cotesworth 2nd. Roll call, all ayes.

Mr. Dave Hocevar, Building Inspector, stated he has requested forfeiture of the final plat deposit for Emerald Lake, 125 Waverly Lane; for Snavely Bldg. Co., 326 Whitetail Run and for Parkview Federal, Radu residence, 17 Woodside. Mr. Hocevar stated the final plat for Emerald Lake has been submitted and approved and the final plat for Snavely has been submitted and is currently being reviewed by the Village Engineer. Mr. Radu has not submitted a final plat plan and he will be able to explain.

Mr. Hocevar stated he would like to suggest that the Commission consider deducting a processing fee when a forfeiture is requested, the cost of sending out notices and the clerical work needed should be covered by part of the deposit. Commission discussed and agreed to deduct \$100.00 for processing when the decision is made to not forfeit a deposit.

Following a brief discussion, Cotesworth moved to forfeit \$100.00 and return \$400.00 to Emerald Lakes Development for the property at 125 Waverly, Young 2nd.

Following further discussion, Young moved to forfeit \$100.00 and return \$400.00 when the Village Engineer approves the final plat plan for Snavely Building, 326 Whitetail Run, Cotesworth 2nd. Roll call, all ayes.

Mr. Tom Radu, 17 Woodside Dr., stated he had not filed a final plat plan due to the recent weather conditions and the fact that he has acted as his own general contractor and it has taken him longer to get some things done than he had anticipated. Mr. Radu stated he is planning on renting a piece of equipment this coming weekend, to

Held

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grade the area around his home. He will then get a surveyor in to survey and complete the final plat plan. Mr. Radu asked for an extension until the next Planning Commission meeting.

Mr. Dave Hocevar, Building Inspector, stated he feels Mr. Radu's intentions are good, it is just his timing that is not good. Mr. Hocevar stated he would not have a problem if the Commission agreed to grant a 30 day extension. Commission discussed at length.

Mr. Bob Quail, neighbor of Mr. Radu, stated he understands Mr. Radu's situation and is confident that he will take care of the final grading as soon as he is able and would encourage the Commission to grant an extension.

Following a brief discussion, Young moved to extend the deadline for filing the final plat plan until the next Planning Commission meeting in May, Cotesworth 2nd. Roll call, all ayes.

Mr. John Goodman stated he is before the Commission to discuss the possibility of developing a 6 acre parcel into 5 lots. The piece of land is located on Rte. 306, north of Bell Road. Mr. Goodman presented a preliminary plan showing the Commission their concept. Mr. Goodman stated the way the lots are laid out, they follow all the zoning requirements as far as side yards, front and rear yard setbacks.

Mr. Markowitz stated this plan would be considered a major subdivision and the road would be considered a dedicated road. Mr. Goodman stated that would not be a problem.

Commission discussed at length and stated they thought this would be a good use of the property and stated they had no objections to their informal presentation. Mr. Goodman stated they will proceed and hopefully will be back at the next meeting.

Steve Cicerretto, architect for Martguild, 100 Industrial Drive, stated he is before the Commission requesting Development Review approval, to build an addition to the existing structure. Commission reviewed the plan and application. The addition will be for storage and production. Mr. Cicerretto stated they have enough land to build a total of 14,300 square feet however with the proposed addition the structure will be 12,500 square feet. They will have ample parking area for the proposed addition.

Markowitz asked what the side yard set backs are and do they conform to the zoning requirements. Cicerretto stated they have about 15 feet and the Code now requires 30 feet. Markowitz stated the grandfather clause only applies to residential so Martguild will need to request a variance.

Commission reviewed the plan and suggested that these plans be reviewed by the Village Engineer prior to going to ZBA in order to make sure there will not be any other variances required.

Mr. Cicerretto stated he will have the Engineer review

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held APRIL 9, 1992

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the plans and proceed for the necessary variances.

Mr. Sid Simon, Emerald Lakes II, stated he is before the Commission to update them on the progress for Phase II. Mr. Simon stated he currently waiting for the results of the water tests, he expects to have everything completed within the next month. Mr. Simon stated he is worried about the time, the building season is so short in this area and if he doesn't get an early start he won't get the improvements in prior to the bad weather. Mr. Simon stated he would like to request to be able to start the grading prior to receiving all the final approvals and he would be willing to do anything the Commission would want him to do to make sure he would be responsible in getting all the necessary approvals. Mr. Simon stated it will take six weeks of grading to get the sewers and road in, without the paving.

Mr. Voldrich stated the improvement plans have been approved however he has not signed off on them.

Mr. Simon stated another item that needs to be discussed is the variance that was granted allowing for two extra lots when the interconnect road was provided. Mr. Simon thought this road was only a "paper road", in other words, dedicate the land but not put in the road. Simon stated Mr. Markowitz interprets the variance differently. Markowitz interprets the variance to grant an additional two lots when the improvements for the interconnect road are constructed. Mr. Simon stated the way the interconnect road is laid out now, it will cost alot more to put in the improvements for the road than what he will get from two additional lots. Simon stated he is not willing to put in a road, however he is willing to dedicate the land for the road.

Commission discussed this situation at length. Mr. Simon stated if the Village does decide this interconnect road is not needed, he will take two less lots, he feels that his lots are more valuable without a interconnect road.

Following a lengthy discussion, Commission agreed that Snavelly should be contacted, in order to discuss the interconnect road and the issues that this presents to both developers and the Village.

Commission agreed there were too many loose ends left to allow Mr. Simon to go ahead with grading. Mr. Voldrich stated the only item left in the approval of the Improvement Plans is the landscape plan, which is currently at Knight and Stollar. Voldrich stated the issues of water and the interconnect road are left, in addition he needs to take one last look at the erosion control design. Markowitz stated his concern is if they allow grading to commence and the water report comes in saying there is not sufficient water, what do they do with the road that is already cut?

Mayor Young stated he is concerned with the unresolved issues, he would be willing to schedule a special meeting if these items were cleared up prior to the next meeting, but he is not comfortable granting permission to begin the grading at this point. Commission agreed.

Markowitz stated the Commission has to adopt the

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

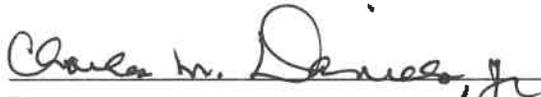
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Subdivision Regulation amendments that deal with the "envelope" concept. Commission recommended them to Council, Council has adopted them and now under the Ohio Revised Code, the Commission is required to adopt them. Young moved to adopt Ordinance 1992-19 adopting amendments to the Subdivision Rules, Cotesworth 2nd. Roll call, all ayes.

Markowitz stated the Commission had previously discussed possibly decreasing the maximum lot coverage allowed in the Industrial and Business districts. Commission discussed this item and asked Dave Hovevar to come back with some examples of other Villages density requirements.

Markowitz stated Mrs. Fishman, the woman who requested the petting farm, had her attorney contact him and he explained what the Commission had decided. Markowitz stated if she wanted to pursue this type of use, she could go to the ZBA and request a variance. Markowitz stated he has not heard anything since.

There being no further business, meeting adjourned at 9:50 P.M.



Charles M. Daniels, Jr., Chairman



Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held March 5,

19 92

MEMBERS PRESENT: BUTZ-VOSS, COTESWORTH, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, DAVE HOCEVAR

GUESTS: J. Franzese, J. Fishman

Meeting was called to order by Chairman Daniels at 7:30 p.m. Roll call, all members were present.

Chairman Daniels asked for any corrections to the January, 1992 minutes. There being none, Young moved to approve the January minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.

Dave Hocevar, Building Inspector, stated he would like to propose to the Commission an increase in some of the fees and deposits of the Building Dept. Hocevar stated some fees do not even cover the Village administrative costs to process the application and he would recommend an increase. The Commission discussed at length the proposed increases. Following this discussion, Young moved to recommend to Council the following fee and deposit structure as presented by Dave Hocevar a amended by Planning Commission. For the S-1 application, deposit of \$200.00, with a non-refundable fee of \$100.00. For S-2 application, deposit of \$5,000.00 and when deposit becomes less than \$2,500.00, account must be brought back up to \$5,000. In addition, upon making application of a major subdivision a fee of \$15.00 for each lot, envelope or condominium unit contemplated in major subdivision must be submitted for preliminary plat review and a \$10.00 per lot, envelope or unit fee must be submitted for final plat review. The minimum fee for review of either a preliminary or final plat will be \$100.00. An additional fee of \$5.00 for each lot, envelope or unit must be submitted at the time of each resubmission of a preliminary plat. Cotesworth 2nd motion. Roll call, all ayes.

Mr. Hocevar stated the Building Dept. is requesting forfeiture of final as built deposit from Emerald Lakes, 125 Waverly Lane, \$500.00 deposit; Shavely Bldg., 326 Whitetail Run, \$500.00 and Park View Federal Savings and Loan, 17 Woodside, Radu residence, \$500.00. Following a brief discussion, Planning Commission agreed to hold the public hearing on April 9, 1992 at 7:30 P.M.

Mrs. Judy Fishman stated she is before the Commission to request permission to open a petting farm on her property, Mrs. Fishman stated she leases the farmhouse located on the Care Services property, located on Rte. 306. Mrs. Fishman stated she currently has miniature horses as well as full size horses and what she would like to add are possibly some pigmy goats, miniature donkey, pot-bellied pig, miniature zebras, dwarf bunnies and baby chickens. The animals would be kept in existing buildings that are located near the house, they would not use the back area that is close to the residential area.

Commission discussed this request briefly. Markowitz stated he does not want to make a recommendation without having time to review the Code. Markowitz stated he will

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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review this request and determine whether this use could be allowed under the current zoning and report back to the Commission.

Mr. Joe Franzese, Chairman of the Architectural Board of Review, stated he is before the Commission to talk about possible design criteria that could be set up for the proposed Emerald Lakes II subdivision. Franzese stated due to the design of the layout, cluster homes, he can envision 70 different designs and ones that will not be homogeneous. This could look like a real "patch-work" quilt. It is his suggestion that some restrictions be written that will help maintain a more homogeneous, cohesive development.

Commission discussed this concept at length and agreed to give it further thought and they will report to Council Mr. Franzese's concern.

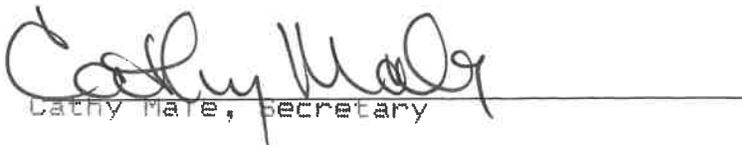
Chairman Daniels reviewed a letter from the Southwyck Homeowners Association asking the Village to take any and all measures which will provide proper protection of their lake during the construction of Emerald Lakes II subdivision. Engineer stated he will review the plan and walk the area and make sure any precautions needed will be taken.

Markowitz stated the Commission must recommend to Council to adopt the amendments to the Subdivision Regulations as presented at the January meeting. Following a brief discussion, Butz-Voss moved to recommend to Council to adopt the Subdivision Regulation amendments as presented at the January meeting, Young 2nd. Roll call, all ayes.

There being no further business, meeting adjourned a 10:00 P.M.



Charles M. Daniels, Jr., Chairman



Cathy Hale, Secretary

Held JANUARY 9, 1992

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MEMBERS PRESENT: SUTLIFF, DANIELS, COTESWORTH, YOUNG, BUTZ-VOSE

OTHER OFFICIALS: D. HOCEVAR, D. MARKOWITZ, T. VOLDRICH

GUESTS: R. ROSNER, S. SIMON, W. DRIEMILLER

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, all members present.

Chairman Daniels asked for any additions or corrections to the minutes of 11-7-91. There being none, Cotesworth moved to approve them as recorded, Young 2nd. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the minutes of 12-5-91. Markowitz stated in the third paragraph, third line from the bottom, the word "rescind" should be corrected to read "forfeit". Also, in the last page, when Voldrich stated to reduce the letter of credit on Bramble Farms, the minutes should state it being reduced to \$1,000 not \$3,000. There being no further additions or corrections, Cotesworth moved to approve them as corrected, Young 2nd. Roll call, all ayes.

Chairman Daniels welcomed Sally Butz-Voss to the Planning Commission as Council's representative to Planning Commission, replacing Bill Young.

Dick Rosner, attorney for Emerald Lakes II, stated at the December Planning Commission meeting they went through the proposed zoning amendment which creates the cluster classification and the envelope use and based on some discussions and requests of the Planning Commission, Dale Markowitz has redrafted the ordinance and he will explain the changes made.

Commission reviewed the revised ordinance, copy hereto attached. Mr. Rosner questioned the requirement of the developer placing pins at all of the corners of the envelopes prior to road construction and as he understands it, with single family lots, the pinning is done by the builder and at the time of submitting the grade plan. Rosner stated Mr. Simon has some concerns that if the pins are placed too early, they might be covered up and lost and then require repinning. Mr. Simon stated he would like to place pins at a later time. Commission discussed this item at length. Commission agreed that the pinning of the envelopes must be completed before the acceptance for dedication of the roads.

Tom Voldrich suggested that on the plat there be some provision for a utility easement that could accommodate future water lines. Commission agreed.

Commission reviewed and discussed the proposed ordinance.

Markowitz stated the set back requirement from road as well as from the dwelling next door will be 25 feet. Commission agreed.

Markowitz summarized the changes that were made tonight were 1) add language that requires that the perimeter pins must be put in when the subdivision improvements are

Held

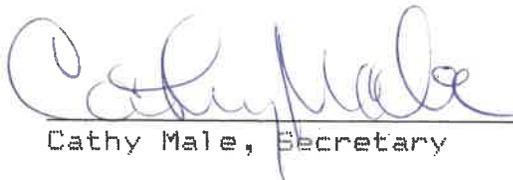
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approved and the pins for the envelopes on the entrance road be put in when the entrance road is approved and the pins for the envelopes for the spur roads go in when the spur roads are approved. 2) Show an easement on the plat for water lines. 3) Clarifying the open space can be less than 25 feet from the dwelling.

Following a brief discussion, Cotesworth moved to recommend to Council this proposed zoning amendment with changes made as discussed, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:45 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

DECEMBER 8, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Butz-Voss, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich

GUESTS: E. T. Moroney, R. Rosner, S. Simon, N. Hoovler, R. Long, J. Singer, G. Brockett, J. DiMichele

Meeting was called to order at 7:30 P.M. Secretary was absent. Butz-Voss called the roll, Cotesworth absent.

Following brief discussion, Sutliff moved to table the approval of the November minutes, Young 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order at 7:35 P.M. to hear the variance of Jerry Bishop, Fox Run Subdivision, requesting the issuance of building, zoning and occupancy permits prior to the installation of the final coat of asphalt and prior to the acceptance of dedication of the subdivision improvements. Mr. Voldrich stated there are a few items on his punch list which need to be completed prior to his signing off. Mr. Bishop stated cable, phone and electric are all in and the gas lines are 50 % in. Mr. Bishop stated the gas workers are saying they will be finished in another three or four days.

Mr. Markowitz stated he wanted to make sure Mr. Bishop understands that if this variance is granted, what will then happen is the Village Engineer will draw up his punch list and when everything is completed on his punch list except for the final coat of asphalt, then the building department is authorized to issue zoning and building permits. The bond stays in place as well as the letter of credit, to protect the Village and the residents from those things not completed. The plans for the homes also have to be submitted and approved by the ABR. Markowitz stated he has not received the second extension of the performance bond. Bishop stated he thought that had been completed but he will be sure to have that delivered to Mr. Markowitz's office tomorrow.

Mrs. DiMichele asked if the development would continue to be strawed during the winter? Voldrich stated he has spoken with his inspector and was told once the gas contractors are out and finished, the area would be restrawed for the winter. Mrs. DiMichele emphasized the importance of this activity in protecting their lake off of Sugarbush Lane.

Chairman Daniels closed the public hearing at 7:45 p.m.

Chairman Daniels called the public hearing to order at 7:46 p.m. for the variance request of Sidney Simon, Emerald Lake II, requesting the issuance of the zoning, building and occupancy permits prior to installation of the final coat of asphalt and prior to acceptance of dedication of subdivision improvements for Alderwood Trail, Arrowood Circle, Button Bush Circle, Teaberry Circle, Woodrush Circle, Bellflower

Held

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Circle and Sundew Lane.

Mr. Rosner, attorney for Sid Simon, stated the subdivision improvements, except the final coat of asphalt have been installed and the Village has requested the final coat of asphalt not be installed until next year. This request is for Alderwood Trail, a dedicated street and six private spur roads. Last month, the Commission extended their performance bond to August of 1994.

Mr. Voldrich stated his punch list consists of only a few minor items. Mayor Young stated all of Mr. Simon's deposit accounts are current.

Markowitz asked if the discrepancy in the performance bond account had been settled, there was a question on a couple of draws that were taken without permission of the Village Engineer for payment. Voldrich reported that there is currently \$49,314.12 in the account with a \$13,626 bill yet to be paid which will leave only \$35,687.12 in the account. Voldrich stated he feels that there should be a minimum of \$40,000 in the account to cover the remaining work and a 10% additional amount as required by the regulations. Voldrich stated if Mr. Simon makes a \$4,000 deposit, he feels the account will be brought up to what is necessary to cover all costs yet to be incurred. Following further discussion, Commission, Engineer and Mr. Simon agreed that the amount can be drawn down to \$40,250.00 and whatever the remaining balance is to be paid to the contractor by Mr. Simon directly.

There being no further discussion, Chairman Daniels closed the public hearing at 8:15 p.m.

Chairman Daniels called the regular meeting to order at 8:16 p.m.

Chairman Daniels stated they would like to take action on the subdivision variances that are before them.

Markowitz stated to make sure the procedure for these variance requests is perfectly clear to everybody, he feels it is necessary to require the Village Engineer to put out a letter to the building department which will kick in the period of time the building and zoning permits can be issued. This is so both the developer and building department know when everything is complete, other than the top coat of asphalt, and all punch list items completed. Following further discussion, Sutliff moved to grant a variance to Section 3.07 of the Subdivision Rules to allow the issuance of zoning, building and occupancy permits, in the Fox Run Subdivision, after all subdivision improvements are completed other than the top coat of asphalt, as certified by the Village Engineer to the Building Dept. and upon receipt of the performance bond second extension, the certificate in case of default, and the letter of credit, extended to November 1, 1994, being delivered to the Village Solicitor, Butz-Voss 2nd. Roll call, all ayes.

Chairman Daniels asked for any additional discussion on the variance request for Emerald Lake II. There being no further discussion, Butz-Voss moved to allow the issuance of zoning, building and occupancy permits for the envelopes located on Alderwood Trail, and to allow the issuance of zoning, building and occupancy permits for the homes on the envelopes of Arrowood Circle, Button Bush Circle, Teaberry Circle, Woodrush Circle, Sorrelwood Circle and Sun Dew Lane before the final coat of asphalt and to require all other

Held

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improvements be completed and certified by the Village Engineer to the Village Building Dept. and also to require delivery to the Village Solicitor of the performance bond second extension, certificate in case of default, and the pledge agreement executed by the developer and Security Federal in the amount of no less than \$40,250.00, Sutliff 2nd. Roll call, all ayes.

Commission discussed the requirement of providing the necessary tie-ins for street lights in subdivisions. The question is whether or not the lights should be in the right-of-way or placed outside the right-of-way in the utility easement. Mr. Bishop stated the street lights in his development are wired two feet off the curb, as the improvement plans were approved. Mr. Bishop stated street lights would not serve any purpose 13 feet off the street, they would be useless. Mr. Voldrich stated he will go back to his land development people in his office and find out what is allowed in regards to the installation and placement of street lights.

Gary Brockett, Annandale Drive, Kensington Green Subdivision, stated he is before the Commission as a representative of the the Homeowners Association to propose a plan for street lights for their development. Mr. Brockett stated they want gas street lights for a safety reason, in order for emergency equipment to be better able to find the homes as well as to provide lighting for the residents to leave in the morning and come home at night. Mr. Brockett presented a plan for the Commission to review.

Commission discussed the plan at length. The Commission asked for information as to where would the lights be placed? Mr. Brockett stated he would envision the light being placed in the same area where the existing street signs are place, which are three to four feet off of the curb. Chairman Daniels stated if this is the case, they would be place within the right-of-way. Markowitz stated if this is the case they will have to determine if the Village will have to grant a franchise. Also, if the lights are put in the median strip, which is in the right-of-way, there is a safety issue based on state department of transportation standards, there is a much greater safety concern for cars that would lose control with lights placed in the median strip.

Mr. Brockett stated if the lights are moved back, out of the right-of-way, there would not be enough light provided to light the signs and provide sufficient safety light, therefore defeating the purpose of the whole project.

Mr. Markowitz stated if all these issues can be resolved, they will have to file a development review application for Planning Commission's action.

Mayor stated he feels the plan as presented needs to be referred to the Village Engineer and Village Solicitor for legal and engineering consideration. Commission agreed to delay any action on this request until the necessary research has been done.

Commission suggested Mr. Brockett present this issue to Council at their next meeting for their input.

Following brief discussion, Sutliff moved to approve the November minutes as corrected by the Village Solicitor, Butz-Voss 2nd. Roll call, all ayes.

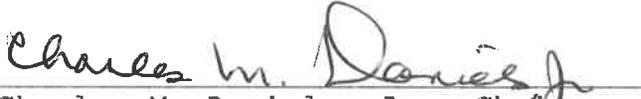
Held

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Mr. Sid Simon presented improvement plans for the interconnect road between Emerald Lake II and Reserve of Whitetail developments. The plan shows eleven lots on this road. The sanitary sewer is already installed, what they need to still put in is the storm sewer. Commission reviewed the plan as presented and discussed drainage.

Mr. Simon was instructed he needed to file final plat application for this phase.

There being no further business, meeting adjourned at 9:50 P.M.


Charles M. Daniels, Jr. Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held NOVEMBER 4, 1993 19

MEMBERS PRESENT: Cotesworth, Daniels, Butz-Voss, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocevar

GUESTS: R. Rosner, S. Simon, J. Bishop

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels asked for any corrections to the October minutes. Commission made several typographical corrections. There being no additional corrections, Butz-Voss moved to approve minutes as corrected, Sutliff 2nd. Roll call, all ayes.

Mr. Richard Rosner, attorney for Sid Simon, Emerald Lakes II Subdivision, stated they are before the Commission for three different matters. First, the performance bond expires December 15, 1993 and they would like to hold off the final coat of asphalt paving until next summer. Basically everything has been completed except the final coat of asphalt. What they would like to do is ask for an extension of the performance bond until August 1, 1994.

Second, they will be requesting a variance because if they hold off on putting on the final coat of asphalt until next summer, they will need a variance to permit the issuance of building and occupancy permits.

Third, they entered in a three party agreement between the Village, Mr. Simon, and Midland Title last year, by which title to four of the envelopes was placed in Midland Title's name as trustee, pending construction of the interconnect street. What they would like to do is obtain title of these four lots and the spur road, Bellflower Circle, from Midland Title and instead, give four other lots and Fox Sedge Lane. The other four lots would be located in the next cul de sac on Fox Sedge, S/L #29, #30, #35, and #36.

Commission discussed the three party agreement at length. Following lengthy discussion, Butz-Voss moved to recommend to Council to modify the the agreement to change the sublots and spur roads as requested, Cotesworth 2nd. Roll call, all ayes.

Planning Commission agreed to extend the performance bond until July 1, 1994

As far as the variance that will be requested in order to get zoning, building, and occupancy permits, the request will be for envelopes located on Alderwood Trail, Arrowood Circle, Button Bush Circle, Teaberry Circle, Woodrush Circle, Bellflower Circle and Sundew Lane. Commission agreed to set the Public Hearing for Wednesday, December 8, 1993, contingent upon Mr. Simon submitting the necessary application and deposit. Mr. Simon stated he would submit all necessary forms and fees.

Held _____ 19____

Mr. Tom Voldrich stated he was in agreement that the final coat of asphalt should not be put in until next year.

Commission discussed the review accounts of Mr. Simon's development. Mr. Hocevar stated Mr. Simon has a balance of \$3,000 in the inspection account and \$796.00 in the review account. Commission agreed not to require Mr. Simon to bring up his review account until the next meeting.

Mr. Simon stated he put up a \$37,500 erosion cash bond when he started Emerald Lakes II. Mr. Simon stated he requesting a release of this money, everything has been completed and he currently has three letters of credit that have not been drawn on that would remain. Mr. Voldrich stated the only items left to be done would total to approximately \$5,000.00. Commission discussed at length and agreed to recommend to Council the release of \$37,500.00 to Sid Simon.

MR. JERRY BISHOP, FOX RUN, stated he is before the Commission to first, request an extension of the performance bond and second, request a variance to get zoning, building and occupancy permits prior to granting acceptance for dedication the subdivision improvements. Mr. Bishop stated he would like to have the bond extended until August 1, 1994.

Commission discussed these requests at length. Mrs. Cotesworth moved to extend the performance bond to August 1, 1994 and extend the letter of credit to November 1, 1994 for Fox Run Subdivision, Young 2nd. Roll call, all ayes.

Commission stated they would agree to hold a public hearing on the variance request of Mr. Bishop on December 8, 1994 at 7:30 P.M. Commission stated Mr. Bishop needed to get the application and fee in by Monday. Mr. Bishop stated that would be done no later than Monday, November 8, 1993. Sutliff moved to set the public hearing on December 8, 1993 for the variance to issue zoning, building and occupancy permits prior to the acceptance for dedication of the subdivision improvements, Butz-Voss 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 8:40 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held OCTOBER 14, 1993 19

MEMBERS PRESENT: Butz-Voss, Sutliff, Cotesworth, Daniels, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: Deb & Paul Clark, Jeff Tanchon, Sandra and John Ehlert, Pat Hame, Ken and Sally Felker, Gary Lammert, George Milton, Jerry Bishop

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

There were no additions or corrections to the minutes of the September meeting. Butz-Voss moved to approve the minutes as recorded, Young 2nd. Roll call, all ayes.

Chairman Daniels called the public hearing to order for the **PROPOSED ORDINANCE AMENDING SECTION 6.02 OF THE SUBDIVISION RULES OF THE VILLAGE OF SOUTH RUSSELL, BY ADDING EARTH WORK COMPACTION STANDARDS AS PART OF THE REQUIRED IMPROVEMENTS** and adding Appendix I regarding earth work compaction standards.

Secretary stated the Public Notice for this hearing was published in Plain Dealer on September 13, 1993

Village Engineer stated this ordinance is a collection of basic specifications used to control and enforce the needed compaction efforts for any earth work project. This ordinance also covers the type of material allowed to be put in, along with the water content of the material. Voldrich stated the reason it is in ordinance form is to be able to provide the developers with the correct information on what is expected during the construction project.

Following a brief discussion, Chairman Daniels closed the public hearing at 7:40 P.M.

Regular meeting was reconvened at 7:41 P.M.

Following some discussion on the exact language to be used in accepting this ordinance, Mayor Young moved to adopt the amendment to the Subdivision Rules, as specified in the ordinance for compaction standards, Ordinance 1993-36, Sutliff 2nd. Roll call, all ayes.

RESIDENTS FROM BRAMBLE FARMS HOMEOWNER'S ASSOCIATION WERE PRESENT TO DISCUSS A HOME, CURRENTLY UNDER CONSTRUCTION AT 1484 BELL ROAD. Mr. Paul Clark, representing the homeowners, stated they are before the Commission to try and get some information on how this home, a factory made modular home, was approved. Mr. Clark stated they are interested in finding out if this type of construction is treated differently and if there are ways they can prevent more homes of this type from being built. Mr. Clark stated they are very concerned that this type of home will lower the property values of the surrounding homes. Mr. Clark asked the Planning Commission if there was anything their Association could do or the Village could do to help them make sure no additional homes of this type are constructed.

Chairman Daniels stated the plans for this home being discussed followed all the necessary steps in getting an approved building permit. Mr. Hocevar stated this home is

Held

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considered an industrialized unit and it meets all the requirements of the OBBC. Mr. Markowitz explained this unit was built in a factory, it is inspected by the state of Ohio while it is being constructed. The Village has to accept the certification that is given by the State. If the Village does not and we require them to have another inspection, the State will decertify our Building Dept. and take away our right to have inspections under the Ohio Basic Building Code. This is what happened in the city of Eastlake.

Mr. Markowitz stated the Village cannot stop the construction of this type of home if it has the certification of the State, shown by a red tag, unless it violates the Village Zoning Code or if it does not comply with the ABR requirements.

Mr. Clark asked if the Homeowners Association could have any authority in stopping this type of construction?

Markowitz stated if the association's Architectural Board of Review is supposed to review and approve the plans and if there is something in the standards that is set up in the deed restrictions that would give the association the ability to reject plans, then the house could be stopped.

The residents discussed with the Commission the issue of compatibility of this type of home to the surrounding area. Residents of Bramble Farms stated they did not feel this type of home was compatible with the other homes in the development and they hope to prevent any other homes similar to this one from being constructed in the future.

Building Inspector Dave Hocesvar stated during the construction, he inspects the home for everything that is not part of the certificate from the State of Ohio.

Residents thanked the Commission for their time and input and agreed they would make the necessary changes in their deed restrictions so if any more plans for industrialized units are presented, they will have the ability to review and disapprove the plans as an association.

MR. JERRY BISHOP, ^{Fox Run} ~~BRAMBLE~~ FARMS, stated he is before the Commission to request a modification of a variance granted which allows for construction to begin on Sublot #2 and Sublot #19, prior to the acceptance of the improvements. Mr. Bishop stated he would like permission to begin construction on subplot #21 instead of #2. Following brief discussion, Sutliff moved to modify the variance granted for subplot #2 and allow construction to begin on subplot #21, Cotesworth 2nd. Roll call, all ayes.

Mr. Bishop stated they have completed all the under-drain, the paving is in and they have done everything the Village Engineer has asked. Bishop stated the utilities will be staked next week and all the trees will be delivered tomorrow. If the weather holds, they anticipate being finished by the end of the month. What he would still like to do, and what Mr. Markowitz has suggested he do, is request a 90 day extension on the bond, in order to get the improvements accepted.

Following a brief discussion, Sutliff moved to grant a 90 day extension on the performance bond for Fox Run Subdivision, in order to complete the subdivision improvements and get them accepted for dedication, Butz-Voss 2nd. Roll call, all ayes.

Mr. Bishop stated they are planning to put in street lights however the CEI is stating they will only bill the Village and not the association. Mayor Young stated the Village

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Held _____ 19____

does not want to be receiving bills for other subdivisions street lights and he feels CEI should be pushed a little harder and see if they will agree to bill the associations direct.

Mr. Markowitz stated the Commission needs to take action on the PROPOSED ORDINANCE AMENDING THE DEFINITION OF HOME OCCUPATION. Commission briefly discussed and following this discussion, Butz-Voss moved to recommend to Council the proposed ordinance amending home occupation regulations, Young 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:15 P.M.

Charles M. Daniels, Jr., Chairman

Cathy Male

Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

19

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

SEPTEMBER 2, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Young, Butz-Voss, Cotesworth

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, J. Bishop, L. Lechman, J. Singer

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, all members were present.

Daniels asked for corrections to the minutes presented, July 8th, August 8th and August 12th. Markowitz stated in the August 12th minutes, fifth paragraph, third line, following "30" should read "days notice of cancellation on the insurance certificate"; on the next page, #190, in the fourth to last line, following "surrounding area" it should state "to commence such work by September 15, 1993"; on page 191, in the sixth line, following "on" it should read "the". There being no further corrections, Sutliff moved to approve the July 8th, August 8th and August 12th minutes as amended. Roll call, all ayes.

MR. SID SIMON, EMERALD LAKES II, presented an elevation and landscape plan for the entrance to Emerald Lakes II. The plan presented showed stone walls at the entrance and landscaping along the entrance, around the ponds and along the entrance street. Mr. Simon stated the landscaping and walls are outside the right of way. Cotesworth questioned whether the divider of the entrance road was too close to Bell Road, it appears to be too close to Bell Road and it would be difficult to turn in, especially for the snow plows. Mr. Simon stated he would have his people look at it to see if there is sufficient turning area. Mr. Simon stated due to the structure of the stone wall, the Planning Commission needs to look at it for development review.

Commission reviewed the plan as presented. Mr. Simon presented a preliminary drawing of their sign. Mr. Simon stated he is not happy with preliminary sketch, wants it to be a little larger. Commission reviewed the regulations for fences and signs.

Following further discussion, Cotesworth moved to approve the development review application for the entrance of Emerald Lakes II contingent upon the approval of the Building Dept. on the set back minimums and Police Dept. on the sight distance relative to the fence and sign, Butz-Voss 2nd. Roll call, all ayes.

Mr. Simon stated they are going to start installing the utilities within the week. Mr. Simon stated they will not be able to finish the landscaping as quickly as he would like and he does not want to be held up in getting the road dedicated if the landscaping is not complete. Simon asked what he needs to do in order to go ahead, without the final landscaping in. Mr. Simon stated if he can, he would be willing to post any necessary bonds, which would guarantee the landscaping to be put in, but also allow him to go ahead and transfer lots and begin building. Markowitz stated this issue would be ultimately decided by Council, when they request dedication of the roads.

Held

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MR. JERRY BISHOP, FOX RUN SUBDIVISION, presented his entrance plan. The plan showed a gazebo and landscaping at the entrance. The gazebo and plantings are all out of the right of way. The plan also showed a limestone walk-way that winds through the five acre common area.

Markowitz stated part of the fence is on subplot #1 and it is not in the deed restrictions. The plat does not show an easement for this and it will be necessary for maintenance. Markowitz stated the easiest way to handle this would be to record an easement on that lot now, prior to selling the lot. Mr. Bishop stated no problem, he would do that immediately.

Following further discussion, Cotesworth moved to approve the entrance plan for Fox Run subdivision, subject to the Police approving the plan for sight distance, subject to the Building Department approving the plan for zoning and subject to the Solicitor's approval of easement for the placement of the fence on subplot #1, Sutliff 2nd. Roll call, all ayes.

Markowitz stated he has not received a copy of the mud bond for Fox Run. Mr. Bishop stated he would take care of that tomorrow, Friday, September 3, 1993.

Markowitz stated the Commission needs to set a date for a public hearing on the new compaction regulations. Council has adopted these regulations and now the Commission has to adopt them. Commission set October 7, 1993 for the public hearing, at 7:30 p.m.

Mayor Young stated Council wants the Commission to review the Home Occupation regulations. Markowitz stated he will draft a proposed ordinance and have it for their review at the next meeting. Commission discussed home occupation definition briefly and agreed to discuss further at the next meeting.

There being no further business, meeting adjourned at 8:45 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held AUGUST 12, 1993 19

MEMBERS PRESENT: SUTLIFF, DANIELS, YOUNG, COTESWORTH,
BUTZ-VOSS(arrived late)

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: R. ROSNER, S. MILLER, S. EHLERT, P. TANCHON, R.
MILLER, J. SINGER, L. LECHMAN

Public Hearing was called to order by Chairman Daniels at 7:30 P.M. Roll call, Butz-Voss was absent.

Daniels asked acting secretary, Dave Hocevar, to read public notice of the variance request of Emerald Lakes II, requesting permission to begin the construction of two model homes prior to the paving and installation of the improvements.

Due to the applicant being late, Commission suspended the Public Hearing and went on to the next item on the agenda.

SANDRA EHLERT AND PAM TANCHON, RESIDENTS OF BRAMBLE FARMS, presented the final plans for their entrance improvements and are asking for development approval from the Planning Commission. Markowitz stated the easement has been approved by Council for this plan. Village Engineer stated he has reviewed the plan and has no problem with it. Voldrich stated he was informed by the Police Chief he has no problem with the plan as far as safety and sight distance.

Following a brief review, Cotesworth moved to approve the entrance improvement plan for Bramble Farms subject to changing the date from "10" to "30" on the insurance, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels re-opened the **PUBLIC HEARING FOR EMERALD LAKES II**, variance request. Mr. Dick Rosner, representing Sid Simon, stated Mr. Simon is requesting permission to start two model homes prior to the acceptance of all subdivision improvements.

Engineer Voldrich stated the paving of the road will not begin until they have submitted the report from the geo-technical engineer on the road embankment. The curbs are in, however they can not begin to pave until this report is submitted.

Mr. Sheldon Miller, builder for Emerald Lakes, stated they would not start any homes until the pavement was put in. Commission asked if this would be just the base or would the final course be put down. Mr. Miller stated he was not sure. Engineer stated he would like to reserve the right to determine what needs to be done at the time of paving. Commission agreed.

There being no further discussion, public hearing adjourned at 7:50 P.M.

Chairman Daniels called the regular meeting to order at 7:51 P.M. Roll call, same as above. Butz-Voss arrived at 7:45

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

19

P.M.

Chairman Daniels asked for any additional discussion on the variance request of Sid Simon, Emerald Lakes II.

Mr. Sutliff asked the Engineer if all sanitary sewers were in and approved? Voldrich stated the sanitary sewers are in and they are waiting for video tapes of the storm sewers to see if they have to be cleaned out. Commission discussed at length the storm sewers and drainage plan for Emerald Lakes and Reserve of Whitetail.

Following this lengthy discussion, Cotesworth moved to approve the variance request for building permits for two model homes, S/L #11 and S/L #12, to be constructed in Emerald Lakes II contingent upon the Engineer's approval of the road pavement, upon the issuance and the acceptance, by the Village Solicitor, of the mud bond, and upon the requirement that no occupancy permits be issued prior to the improvements of the subdivision being accepted for dedication, Sutliff 2nd. Roll call, ayes - Cotesworth, Daniels, Sutliff, Young; abstained - Butz-Voss.

Mr. Sheldon Miller stated he has the grading plan for S/L #11 and S/L #12, which have been approved by the Village Engineer. Mr. Miller stated he is before the Commission requesting development approval for these two envelopes, now that the variance has been approved.

Commission reviewed these plans. Dave Hocevar stated he has reviewed these plans and they comply with all the zoning requirements.

Following this brief discussion, Butz-Voss moved to approve S/L #11 and S/L #12 for development review, Sutliff 2nd. Roll call, all ayes.

Solicitor Markowitz stated the performance bond on Emerald Lakes runs out in September and he has notified Mr. Simon he needs to request an extension from the Planning Commission.

Mr. Rosner stated Mr. Simon would like to request a ninety day extension on the performance bond. Mr. Markowitz stated if the Commission is going to extend the performance bond, the Commission should be aware there has been some discussion at Council regarding the seeding of the west bank of the pond as well as concern over the general landscape maintenance of the development. Mr. Rosner stated Mr. Simon is working out a landscape contract to complete and maintain the development. Butz-Voss stated Council wants the area improved as soon as possible, it is currently a real eye-sore driving up and down Bell Street.

Mr. Miller stated he knows Mr. Simon is working on this situation and hopefully it will be resolved very soon.

Following a brief discussion, Sutliff moved to extend the Performance Bond for 90 days, until December 15, 1993, conditioned upon the execution of an extension to the performance bond agreement and amendment to the Pledge Agreement, executed by the developer and the Village and Security Federal and Mr. Simon providing temporary or final seeding of the entrance and maintenance of the ponds and surrounding area, Cotesworth 2nd. Roll call, all ayes.

MR. TOM HLAVIN, 1360 BELL ROAD RESIDENT, stated he is before the Commission to discuss the possibility of doing a minor lot split of his property, which is a total of eight acres.

Held

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Mr. Hlavin stated he would like to divide the property into two or three parcels. One parcel will be four acres with the existing home and the remaining will be divided into one four acre parcel or two, two acre parcels. Commission reviewed the plan. Mr. Hlavin stated there is a shed right on property line which they do not want to move, and he questioned if there could be a variance granted? Commission stated Mr. Hlavin would have to request a variance for the shed, it must be 20 feet from the property line to fall within the zoning regulations, if he does not want to move the property line.

Following some discussion, Commission stated what Mr. Hlavin is proposing is a reasonable request. Commission instructed Mr. Hlavin of the process he must following for a minor lot split. Mr. Hlavin thanked the Commission for their time and input.

Dave Hocevar stated he would suggest the Commission consider allowing **HOME OCCUPATIONS AS CONDITIONAL USES**. The Code would have to be amended, but he feels there should be more controls on these requests. Markowitz stated there have been two variance requests in the Village for home occupations and he has worked on the agreements, with certain conditions, so these occupations can be allowed. Markowitz stated if home occupations were to fall under conditional uses, these conditions could be clearly enforceable. Commission agreed to discuss further at next meeting.

There being no further business, meeting adjourned at 8:55 P.M.


CHARLES M. DANIELS, JR., CHAIRMAN


CATHY MALE, SECRETARY

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

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Minutes of

SPECIAL PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

JULY 12, 1993

19

MEMBERS PRESENT: SUTLIFF, YOUNG AND DANIELS

OTHER OFFICIALS: D. ONDREY, D. HOCEVAR

GUESTS: K. O'DONNELL, B. MORONEY, J. SINGER, J. FRANZESE,
K. LADERER, T. WELCH

Chairman Daniels called the special meeting to order at 7:30 P.M. Roll call, Butz-Voss and Cotesworth were absent.

Chairman Daniels stated the meeting was called in order for the Commission to make a recommendation to Council re: the **proposed amendment to the Zoning Code increasing the maximum height regulation for residential structures.**

Mayor Young stated the ordinance before them is a revised one with a few minor changes. Commission discussed the ordinance as written.

Mayor Young stated the revised forms for the Zoning Code have been added to this amendment. Commission agreed the forms were an improvement over what was previously in the Code.

Following brief discussion, Sutliff moved to recommend to Council the proposed ordinance amending the height regulations of the Zoning Code, Young 2nd. Roll call, all ayes.

Solicitor Ondrey presented a proposed ordinance amending the regulations on compaction in the right of ways. Commission reviewed and after brief discussion, Young moved to recommend to Council an ordinance amending Section 5.02 of the Subdivision Rules and adding appendix 1, regarding earth work compaction standards, Sutliff 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 7:45 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____

19____

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

JULY 8, 1993

19

MEMBERS PRESENT: Butz-Voss, Cotesworth, Daniels, Sutliff,

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: J. Bishop, S. Simon, S. Miller, R. Miller, M. Fisher, M. Keesler, L. Miller, L. Lechman, J. Singer

Chairman Daniels called the meeting to order at 7:30 P. M. Roll call, all members were present.

Chairman Daniels asked for any corrections to the June minutes. Solicitor Markowitz stated the following should be corrected; in the third paragraph, fifth line, after the word "approval" should say "of the re-subdivision plat", and in the seventh line, after the word "title commitment" it should read "showing title in the name of Emerald Lakes Inc.". There being no further corrections, Butz-Voss moved to accept the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order and read the legal notice for the variance request of **JERRY BISHOP, FOX RUN DEVELOPMENT**, asking permission to begin the construction of two homes, S/L #2 and S/L #19, prior to the installation of improvements for the Fox Run Subdivision.

Solicitor Markowitz swore in all those present wishing to speak at this public hearing.

Mr. Bishop stated he would like to be able to allow two builder to begin construction as soon as possible. Bishop stated he is in hopes all the sewer work will be done in two to three weeks. Mr. Bishop stated he is very confident that the road and all improvements will be completed before the homes will be finished, if the variance is granted.

Commission discussed request at length. Mr. Bishop stated he is asking for only building permits and not occupancy permits.

Village Engineer stated he had no problem with the request for a variance. Sutliff asked if this would pose any problems with mud on the road? Mr. Bishop stated he would take care of any mud on the road each day.

There being no further questions or discussion, Chairman Daniels adjourned the public hearing at 7:45 P.M.

Chairman Daniels called the regular meeting to order at 7:46 P. M.

Markowitz stated the Commission has granted similar variances in both Kensington and Emerald Lakes developments. In each of these cases, the Village has required a mud bond to be posted, which essentially says the developer will clean the streets everyday, if necessary and if they don't the Village will clean it and take the money out of the mud bond.

Held

19

Mr. Bishop asked Commission if they would agree, instead of posting a bond for the mud, adding a condition that the homes cannot be started until he has put in the road base, therefore preventing any mud from being dragged onto the road. Commission discussed this condition at length. Engineer stated he is not comfortable with the heavy truck traffic driving over the sub-base. Mr. Bishop stated he would then put in a gravel sub-base, which is what he has done off of Rte 306 and he has not had any problem with mud.

Commission agreed to allow the developer to put in a gravel sub-base and then only require a mud bond with no dollar amount.

Following this discussion Sutliff moved to approve the variance request of Jerry Bishop, Fox Run Development, subject to the submission of a mud bond, with no dollar amount, which guarantees the removal of mud and dirt from the Village roads by the developer; and subject to the developer putting in a stone aggregate on the roads leading to S/L #2 and S/L #19 prior to construction beginning, Cotesworth 2nd. Roll call, all ayes.

SID SIMON, EMERALD LAKES DEVELOPMENT II, came before the Commission to discuss the development review for S/L #11 and S/L #12.

Mr. Sheldon Miller, builder for these lots, asked the Commission if it was required that he come before the Commission for the development review approval on every envelope. Mr. Miller stated this could be very time consuming and would it not be better to allow the Village Engineer and Building Dept. review these plans and allow them to approve them. Mr. Markowitz stated the reason they felt it was important for the Planning Commission to review the development plans for each envelope is because of the potential of problems with the grading and Commission wanted to have input on how the units will lay on the lots and secondly, they are concerned with the impact of the rear yard set backs and make sure they would not be putting people in the position of not being able to put on a deck at a latter date. Mr. Markowitz stated the ordinance requires the Planning Commission to review these plans, and at this point, unless the zoning is changed, they are required to review each plan.

Commission discussed this issue at length. Markowitz stated the Commission will have to try this process out and if in fact it proves to be too cumbersome, they can then consider amending the requirement.

Mr. Markowitz stated the Commission cannot review any plans for development review until the road is complete and utilities are in and approved. Mr. Simon questioned whether they will have to have variances granted in order to start the development review process. Markowitz stated this is correct.

Mr. Simon stated he has the applications here with him tonight to file and request variances so that two model homes can be started.

Following brief discussion, Commission agreed to set a date of August 12, 1993 for a public hearing for a variance request of Emerald Lakes II, asking to begin the construction of homes prior to the installation of improvements.

Mr. Miller asked the Commission whether the fee of \$250.00 for development review would apply for all the envelopes he needs to have reviewed or would it just cover one single envelope?

Following a lengthy discussion, Commission agreed the fee for

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DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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development review of the envelope lots would be \$250.00, for each submission, it can be for one envelope or more.

Markowitz stated he has an amended copy of the proposed ordinance amending the height regulations of the Zoning Code, the only parts that are missing are the applications which he will have by tomorrow. Commission agreed to review and hold a special meeting on July 12, 1993 to take action. If the Commission votes to recommend to Council, they can do so at this special meeting.

There being no further business, meeting adjourned at 9:40 P. M.

Charles M. Daniels, Jr.
CHARLES M. DANIELS, JR., CHAIRMAN

Cathy Male
CATHY MALE, SECRETARY

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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MINUTES OF THE WORK SESSION ON THE PROPOSED ORDINANCE
AMENDING THE MAXIMUM HEIGHT REGULATION

June 22, 1993

MEMBERS PRESENT: Planning Commission - Sutliff, Cotesworth and Daniels. Council - Lechman, Young, O'Donnell, Moroney, Butz-Voss. ZBA - Haase and Campbell. ABR - Franzese and Platt. Solicitor Markowitz.

The topic of amending the maximum height regulation of the Zoning Code was discussed at great length.

Following this lengthy discussion, Markowitz summarized the discussion and agreed to write a proposed ordinance including the following: maximum height being between 33 and 35 feet, with a lot of 3/4 to 1 acre or larger in size and side yards of not less than 25 feet; changing the definition of how you measure the grade in a way that won't penalize someone that has a home with a severe drop off in grade; provide if there is less than a 25 foot side yard, you can not exceed the 30 foot maximum and no variance will be granted.

Following the lengthy meeting, members agreed to meet again on Tuesday, July ~~6th~~, 1993 at 7:30 P.M. Markowitz stated he would draft an ordinance and get it out as soon as possible for their review.

There being no further business, work session adjourned at 9:45 P.M.

Cathy Male
Secretary

MINUTES OF THE WORK SESSION ON THE PROPOSED ORDINANCE
AMENDING THE MAXIMUM HEIGHT REGULATION

June 22, 1993

MEMBERS PRESENT: Planning Commission - Sutliff, Cotesworth and Daniels. Council - Lechman, Young, O'Donnell, Moroney, Butz-Voss. ZBA - Haase and Campbell. ABR - Franzese and Platt. Solicitor Markowitz.

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Following the lengthy meeting, members agreed to meet again on Tuesday, July 13, 1993 at 7:30 P.M. Markowitz stated he would draft an ordinance and get it out as soon as possible for their review.

There being no further business, work session adjourned at 9:45 P.M.

Cathy Male
Secretary

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

JUNE 3, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Young, Butz-Voss

OTHER OFFICIALS: D. Markowitz, D. Hocesvar, T. Voldrich

GUESTS: S. Simon, A. Mezak, R. Mezak, L. Lechman, B. Moroney, P. Snavely, J. Zettl, B. Sanderson

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Planning Commission reviewed the minutes of the May meeting. There being no additions or corrections, Sutliff moved to approve them as recorded, Cotesworth 2nd. Roll call, all eyes.

Mr. Sid Simon, Emerald Lakes Development, stated he is before the Commission requesting approval of a lot split in phase I. Mr. Simon stated the parcel, located on Kimberwick Court, is being divided into three lots. This land was partially owned by Lyndall Hughes and they have come to an agreement and Mr. Simon has purchased the land owned by Mr. Hughes. Mr. Simon presented a plan showing how the parcel would be divided. Mr. Simon stated the property is fully improved but could not be recorded with the rest of the development because Lyndall Hughes owned the rear portion of the parcel.

Commission reviewed the plan and discussed. Voldrich stated he reviewed the plan and made some requests for some minor changes and he has not seen the revised plan. Markowitz stated this was the first time he had seen the plan.

Following discussion, Sutliff moved to approve development of the three lots pursuant to Section 4.02 G of the Zoning Code which allows for 50ft rear yard set backs, 10 foot side yard with 30 feet between structures and 100 foot wide building line, contingent upon getting approval from the Sanitary Engineer, Village Engineer and Solicitor and upon getting a title commitment, Butz-Voss 2nd. Roll call, all eyes.

of the
resubdivision plat

showing title in the name of Emerald Lakes, Inc.

Roger and Ann Mezak, Ann's Childcare Center, came before the Commission to discuss the possibility of building a child care facility on west side of Rte. 306, south of Bell Road. Mr. Mezak stated his wife currently runs a child care program in Bainbridge and they would like to build their own facility. They have looked at the property on Rte. 306 and are now asking the Village what they need to do if they want to build in South Russell.

Mr. Mezak presented a preliminary plan of the building they would plan to build. Mr. Mezak stated the building would resemble a ranch type home.

Following brief discussion, Commission stated they really did not have any immediate objections to the concept. Markowitz stated he has reviewed the Zoning Code and the use as discussed is not a permitted use. Therefore Mr. Mezak would have to request for the property to be rezoned to Limited Office/Business District.

Mayor stated he is concerned about spot zoning, what long

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Held

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term effect will this have on the zoning of the surrounding property.

Commission discussed this idea at length. Commission agreed they had no strong objections but also could not give a unanimous approval without seeing exactly what he would be requesting, zoning change wise.

Mr. and Mrs. Mezak thanked the Commission and stated they would be in contact with the Secretary to file the necessary applications.

Mr. Markowitz stated Fox Run Subdivision plat was filed with the County with the wrong yard regulations printed on the plat. Markowitz stated he wrote a letter to Fox Run informing them of this error and they immediately went and amended the plat and had it re-recorded with the correct language. A corrected plat has been sent to the Village.

Commission moved on to the discussion of the PROPOSED HEIGHT AMENDMENT. Markowitz stated Council has had many reservations with the proposed ordinance as written. Butz-Voss stated the biggest objection was the maximum of 38 feet, Council was just not comfortable with this figure.

Liz Scolnick, resident and real estate agent, presented a study done to determine what the buyer wants when buying a new home. What she would like to make sure the Commission understands is, they are not trying to force taller homes on the Village, it is what the buyer wants - homes with nine foot ceilings, steeper roof pitches and larger homes overall. She currently has 5 reservations on lots at the Reserve of Whitetail and of these 5, 3 are from residents of South Russell.

Following a lengthy discussion, Commission agreed to schedule a work session between the ABR, ZBA, Council and Planning Commission to discuss the proposed ordinance changing the maximum height regulation. Secretary to contact members of all boards and schedule a meeting. Of those present, it looked like the meeting would be scheduled the week of June 21st.

There being no further business, meeting adjourned at 9:20 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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whole, is there will be a trade of developable land in one subdivision, for common area in another subdivision. It will have an impact beyond just Emerald Lakes I. This is what the Village must look at when considering this request. Commission reviewed the plats for common area.

Following a lengthy review and discussion, Markowitz stated the request of Emerald Lakes I Homeowners Association is to allow the swap of Sublot #23 for an additional building site in Phase II. If the Village is going to proceed, they would have to make sure the lot is deed restricted before the plat is amended. In addition, a variance application would have to be made to the Zoning Board of Appeals and if the variance is granted, which would allow an additional lot in Phase II, then it would come back to the Planning Commission for the approval of the layout of that additional lot.

Mr. Lynch stated he would discuss with the Association the potential cost of making such a request and then discuss with Mr. Simon the procedure of requesting the needed variance. Commission instructed Mr. Lynch to submit the application to the secretary, Cathy Male, if that is what they decide to do.

Mayor Young stated he would like the record to show, at the last meeting, MR. TOM VIOLANTE was invited to come to tonight's meeting and give an update on how the parking situation was proceeding and were the problems between Violante's and Hunan's solved. Let the record show, Mr. Violante was not in attendance at this meeting. Mayor Young stated that it is his feeling that his absence would lead him to conclude that they are satisfied with the parking situation.

RESIDENTS OF BRAMBLE FARMS SUBDIVISION presented a plan for landscaping their entrance off of Snyder Road and would like to file for zoning approval. They come before the Planning Commission in hopes of finding out what is necessary in order to complete their entrance.

Markowitz stated this has been before the Commission before and it has gone before Council because the improvements presented are within the right-of-way.

One of the previous concerns was safety as well as maintenance. If it is within the right of way and someone get hurts, the Village could be held liable. As well as, after it is installed, the Village would be responsible to maintain it.

Markowitz stated the Village could grant an easement which would allow the Association to maintain the improved area. In addition, the deed restrictions would have to be amended to include maintenance of the entrance and the signs.

Commission reviewed the plan presented.

Following a lengthy discussion, Markowitz suggested the residents get on the Council agenda and request an easement as discussed.

MR. SID SIMON, EMERALD LAKES II, presented a development review application and plat for two spur roads, Sun Dew Lane and Arrowood Circle, and asked the Commission to review and approve it so they can begin to install the improvements. Commission, Village Engineer and Solicitor reviewed and discussed.

Held

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Following a brief discussion, Sutliff moved to grant developmental review approval of Arrowood Circle and Sun Dew Lane contingent upon the Village Engineer's approval of the improvement plans and the approval of the Solicitor to the performance bond, certificate in case of default, and security for the bond in the amount determined by the Village Engineer, Butz-Voss 2nd. Roll call, all ayes.

Mr. Simon stated he is negotiating with Mr. Lyndall Hughes relative to the three lots on Kimberwick Drive of which he owns a part of each. Mr. Simon stated he needs to know what he needs to do as far as the Village is concerned, that would allow him to develop these lots. Markowitz stated he would have to follow the minor subdivision procedure by coming in with a final plat showing the subdivision of those three lots, for the Commission's review. The utilities are already in for these lots as well as the streets. The only thing that might be missing are any easements for drainage. These lots have already been taken into account when figuring the open space requirements.

Markowitz stated Mr. Simon will not have to amend the plat with the Common Pleas Court because this land was reserved as a block, it is not really an amendment to the plat.

MIKE ORAZEN, SOUTHWYCK DRIVE, stated he received a letter from Mr. Simon stating that due to the existence of the beaver dam, his property was unable to drain, therefore he would be tearing down the dam in the near future. Mr. Orazen stated he questions whether Mr. Simon actually has permission to go on CEI property and breach the dam. Mr. Orazen stated Mr. Simon presented a report last year that specifically states the dam is one of the major protections against siltation that Southwyck Lake has and he doesn't understand how the Village can approve this action. Mr. George Stanek stated breaching the beaver dam will not solve Mr. Simon's problem with wet land. The area that is the wettest is higher than the beaver dam and it is a natural wetland and it is like a sponge, the water just sits in there. Mr. Simon stated he disagrees with Mr. Stanek and he feels by draining the beaver dam, it will help the wetland.

Mr. Markowitz stated the area of the beaver dam is on CEI property and he asked Mr. Simon if he had requested permission from CEI in order to go on the property. Mr. Simon stated he already had permission. Mr. Stanek stated he would like to see, in writing, the agreement from CEI granting Mr. Simon permission.

Commission, Mr. Simon and residents discussed the breaching of the beaver dam and necessary measures that must be taken to protect Southwyck Lake.

Mr. Orazen and Mr. Stanek thanked the Commission and stated they wanted to voice their concerns regarding Emerald Lakes and hope the Commission will be sure to take any necessary measures to protect Southwyck Lake.

Sally Butz-Voss reported that Council did not take a vote on the PROPOSED HEIGHT AMENDMENT as discussed by Planning Commission but she feels there are at least three Council members against it. What was discussed was raising the height to 35 feet with a maximum of 38 feet, if certain increased setbacks can be applied. Voss reported that the Council really was not in favor of increasing the maximum height and especially to a height of 38 feet. Council is concerned that if the height is increased to 35, then people will come in and request 38 to 40 feet.

Held

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Commission discussed the issue of maximum height at length. Commission agreed to review the first draft of the proposed amendment as written by the Solicitor and discuss further at the next meeting.

There being no further business, meeting adjourned at 9:40 P. M.

Charlie M. Daniels, Jr., Chairman

Cathy Male, Secretary

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held APRIL 15, 1993

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MEMBERS PRESENT: BUTZ-VOSS, YOUNG, DANIELS, SUTLIFF,
COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: E. GOTTSCHALK, M. FISHER, E. GOTTSCHALK, JR., D.
CAMERON, T. VIOLANTE

Meeting was called to order by Chairman Daniels at 7:30 P.M.
Roll call, all members were present.

Chairman Daniels asked for any corrections to the March minutes. Secretary stated Young was shown as being absent and he was present. Chairman Daniels stated in the second to the last paragraph, the word "retain" should replace the word "preserve". Solicitor Markowitz stated the motion approving the Final Plat of Reserve of Whitetail, following the word "liens" should be added "and encumbrances", after the word "sanitary sewer" the word "easement" should be added, and after the word "association" the words "conveying the common areas." should be added. There being no additional corrections, Sutliff moved to approve the minutes as corrected.

Tom Violante, Violante's Restaurant, stated he is back before the Commission to give an update on the parking situation at Hunan's Restaurant. Mr. Violante stated Mr. Cameron, Hunan's owner, has taken steps to rectify the parking problem. He has put up signs to direct his patrons to the back parking areas. Mr. Violante stated he still has a problem in the fact that the measures he is having to take to keep his parking area free from Hunan's patrons is costing him \$200.00 a month for security. He stated he is hopeful that this issue can be worked out. What he would like to request is that they wait another month, look at the situation at that time, see how the changes that have been made are working and come back before the Commission to review the situation.

Mr. Ed Gottschalk stated the Hunan's lot has been paved and security lighting has been installed.

Following a brief discussion, Commission agreed to review the parking situation at the next meeting.

Definition of Home Occupation was brought up for discussion by Solicitor Markowitz. Markowitz stated under our current regulation, there is no definition of home occupation. There have been a couple of situations where someone wants to put in a home occupation and they are more retail in nature as opposed to service oriented. Markowitz stated he wants to get a feeling from Planning Commission on whether they want the traditional home occupation concept of professional type services versus retail or do they not want to make any other changes.

Commission discussed this question at length. Commission stated they are not sure there needs to be any further definition and would like to think some more about this before taking any action.

Joe Franzese, Chairman of the Architectural Board of Review, stated he is before the Commission to discuss the possibility of amending the maximum height regulations.

Held

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The current regulations stated the maximum height regulation is 30 feet. Franzese stated at the last ABR meeting, members from Council and ZBA attended and there was a consensus that what has existed in the past will no longer suit what will happen in the future. One way or another some change should be made to the maximum height regulation in order to accommodate the larger homes which will be built in the Village in the coming years.

Franzese stated the Commission needs to look and see if they want it addressed on a Village wide basis or do they want to amend the regulations for only the areas that are not already built up.

Franzese stated it was his feeling that it will be easier in the long run if the Commission addresses the Village in its entirety and not try and differentiate neighborhoods.

Franzese has proposed in the past a method to approve homes taller than 30 feet need to be set back further from the side and front yard. This was agreed upon at the meeting this might be an effective way to allow for taller homes, however the question of how it would be regulated and interpreted are still issues that need to be addressed.

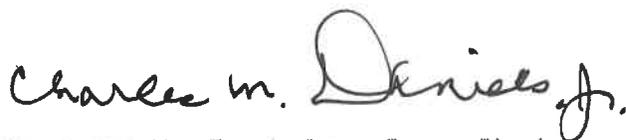
Commission discussed this concept at great length.

Dave Hovevar, Building Inspector, stated he would like to suggest the possibility of only taking three sides of the home and averaging those heights, leaving out the tallest side. This method would be more simple, not involving the set backs and placement of the home.

Don Barr stated in the Reserve of Whitetail, their model homes will be over the 30 foot maximum, one at 31 feet and one at 32 feet. They will be requesting variances for these two because the changes to the Code, if there are any, won't be adopted soon enough.

Following a lengthy discussion, it was agreed to hold a special work session with Council, ZBA, ABR and Planning Commission to try and work on the height amendment. The date of this meeting was agreed to be Monday, April 19, 1993 at 7:30 P.M.

There being no further business, meeting adjourned at 9:00 p.m.



Charles M. Daniels, Jr., Chairman



Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of PLANNING COMMISSION MEETING

Meeting

PUBLIC HEARING FOR SNAVELY/RESERVE OF WHITETAIL RUN

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held MARCH 4, 1993

19

MEMBERS PRESENT: DANIELS, BUTZ-VOSS, YOUNG, SUTLIFFOTHER OFFICIALS: D. Markowitz, T. Voldrich, D. HovevarGUESTS: D. Barr, J. Sullivan, T. Metcalf, M. Adelstein, J. Gregor, R. Rosner, B. Vondra, M. Pitkin, A. Jaffa, L. Scolnick, J. Zettl

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Cotesworth was absent.

Chairman Daniels stated the Public Hearing for the request for variances from Snavely Development would be delayed until the arrival of the Mayor, he had a family emergency and will not be at the meeting until 8:00 P.M.

Jerry Bishop stated he would like to ask for a special meeting later in March to act on the Final Plat for Fox Run. Markowitz stated the reason the Planning Commission can not act on the plat tonight is because the improvement plans have not been approved. Markowitz stated the Final Plat application and fees have been filed. Commission discussed and agreed to meet on Thursday, March 29, 1993.

Commission discussed the date of the April meeting and due to the school spring break, they agreed to hold the regular April meeting on Thursday, April 15th at 7:30 P.M.

Don Barr stated if there was going to be a special meeting on March 29th, would it be possible for him to be put on the agenda in order to discuss the maximum residential height regulation. Commission agreed.

Chairman Daniels asked for any corrections to the February minutes. Markowitz stated on page 109, third last paragraph, the date "January 24, 1993" should be "February 24, 1993". There being no further corrections, Butz-Voss moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels called the Public Hearing to order at 7:45 P.M. Secretary read the public notice which was published in the Plain Dealer on 2-24-93.

Don Barr, Snavely Development Co., was sworn-in by Solicitor Markowitz. Mr. Barr stated the first variance request has to do with the right of way side slope, where Woodland Court crosses a stream and it is their desire to retain as much natural wooded area. To adhere to regulations, they will have to cut a 60 foot wide strip, that is flat. What they are proposing is to cut a road that is not as wide, and then start to slope the side of the road. Mr. Barr stated that it is their belief this will preserve the natural characteristics of the stream which the road is crossing.

The second variance deals with the final wear course of pavement on the dedicated road. The variance request is to delay the laying of the final wear course until after construction is completed. Mr. Barr stated the idea is to preserve the road and prevent damage occurring by all the construction traffic. Mr. Barr stated even if this

Held

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is granted, there is a very good chance they will not use it due to the fact that if the road does not have the final wear course, it can not be dedicated and if it is not dedicated it will not be plowed, school busses will not use it and their maintenance bonds will be continued for a longer time. This decision will be made at a later date.

The third variance, if granted, will allow the construction of two model homes to begin prior to any of the improvements being completed.

The fourth variance is requesting permission to begin the homes after the road is put in but prior to the installation of the public utilities.

The fifth variance request was withdrawn.

Commission reviewed the variances as requested and answered questions from the audience.

Residents of Whitetail Run and Manorbrook Drive questioned why there was a through road being required between Whitetail Run, the Reserve of Whitetail and Emerald Lakes II and stated their concerns for safety. Commission and audience discussed these issues at length.

Residents suggested if the through road is being put in, would the Village consider using stop signs appropriately so traveling between the two developments would not be faster or pleasing.

Markowitz asked if there were any plans for guard rails on the road where the variance is being requested. The Mayor asked how much of a drop will there be from the road to the creek. The Engineer stated the drop will be approximately eight feet. The Mayor stated he feels there is a definite need for some form of guard rails. Don Barr stated he totally agrees there is a need for guard rails and will work with the Engineer to develop a plan for guard rails.

There being no further discussion, public hearing adjourned at 8:55 P.M.

The regular meeting was called to order at 8:56 P.M.

Markowitz stated the improvement plans for Reserve of Whitetail have been approved by the Village Engineer. The Final Plat is before the Commission tonight for approval. Markowitz stated he has reviewed the final plat and all the changes he has requested have been made.

Commission agreed to act on the variances first, then act on the Final Plat.

Commission reviewed and discussed the first variance request. Commission agreed that a plan is needed for a guard rail. Following a brief discussion, Sutliff moved to approve the variance requesting a revised section of the slope subject to a guard rail being installed as per Engineer's requirements and in compliance with Village standards, in the area of the right of way where the slope variance is granted and subject to the installation

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DAYTON LEGAL BLANK CO., FORM NO. 10148

Held MARCH 4, 1993

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of ground cover as per Engineer's requirements, Butz-Voss 2nd. Roll call, all ayes.

Commission reviewed and discussed the second variance request. Following a brief discussion, Young moved to approve the variance which will allow the issuance of zoning and building permits for two model homes immediately and occupancy permits be issued when all the subdivision improvements are installed except the final wear course of pavement and subject to providing a mud bond of \$1,000.00 to guarantee the streets are kept clean, Butz-Voss 2nd. Roll call, all ayes.

Commission reviewed and discussed the third variance request. Following a brief discussion, Butz-Voss moved to approve the variance which will allow for building, zoning and occupancy permits for the remaining 27 lots after all subdivision improvement are in except the final wear course and right of way landscaping, Sutliff 2nd. Roll call, all ayes.

Commission reviewed and discussed the fourth variance request. Following a brief discussion, Young moved to approve the variance which will allow for building and zoning permits but not occupancy permits for the remaining 27 lots, when all subdivision improvements have been completed except for gas, electric, phone, cable T.V., final wear course of paving and right of way landscaping, Sutliff 2nd. Roll call, all ayes.

Commission discussed the Final Plat of Reserve of Whitetail at length. Following this discussion Sutliff moved to approve the final plat for the Reserve of Whitetail conditioned upon the filing of a performance bond in the amount of \$635,000 for such period of time as the Engineer and developer can agree, secured by an instrument acceptable to the Village Solicitor; upon the filing of the inspection deposit fee of \$19,500; upon the developer providing the Village proof of a commercial general liability insurance policy with sedimentation coverage included in the policy, naming the Village as an additional insured, with the amount of general aggregate of \$2,000,000, 1,000,000 per occurrence, \$2,000,000 completed operations aggregate, \$50,000 property damage, \$5,000 medical expense, with 30 days notice of cancellation; upon the issuance of a title policy issued showing the streets and common areas free and clear of all liens and encumbrances, to run in the favor of the Village of South Russell in the amount of \$1,000; upon the sanitary sewer easement with Emerald Lakes being recorded prior to the issuance of the zoning permits for the 27 lots, other than the two model homes, and the zoning permits can be issued for the two model homes prior to the recording of the Emerald Lakes sanitary sewer easement; and upon the filing the deed restrictions and the deed to the association conveying the common areas. Butz-Voss 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:15 P.M.

Charles M. Daniels Jr.
 CHARLES M. DANIELS, JR., CHAIRMAN

Cathy Male
 CATHY MALE, SECRETARY

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

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Minutes of Planning Commission

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held February 4, 1993

19

Members present: Daniels, Sutliff, Cotesworth, Young

Other officials: D. Markowitz, D. Hocevar, T. Voldrich

Guests: D. Barr, R. Rosner, J. Bishop,

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Butz-Voss absent.

Daniels asked for any additions or corrections to the January minutes. Daniels stated in the January 7th minutes, on second page, nine lines from bottom, the word "condition" should be "conditioned". In the fifth line from the bottom, after the word "maintenance" there should be a comma. Markowitz stated in the minutes of the Special Planning Commission Meeting on January 18, 1993, Kurt Laderer was not shown as being present under "Other Officials" and he was present. There being no further corrections, Sutliff moved to approve the minutes as corrected, Young 2nd. Roll call, all ayes.

Mr. Jerry Bishop, Fox Run Development, presented the plat for a proposed lot split, splitting off the commercial piece from the residential parcel. The Village Solicitor stated he has reviewed the plat and application and he has no objection to this plan. The Village Engineer stated he has also reviewed the plan and the only problem he has is the language of the legal description. Mr. Frieze, Mr. Bishop's engineer, stated additional language will be added as requested by the Village Engineer. Commission reviewed and discussed the minor subdivision application and plat.

Following brief discussion, Young moved to approve the minor subdivision application conditioned upon receiving a title commitment showing record title to be in the name of Carl Milstein, Trustee, and indicating that there are no mortgages on the property, Cotesworth 2nd. Roll call, all ayes.

As far as the Fox Run Subdivision, Mr. Markowitz stated the improvement plans have been submitted but not yet accepted by the Village Engineer. Village Engineer stated there are several small items yet to be corrected on the improvement plans and the one major issue is the calculation of the retention basin. Mr. Markowitz stated there has not been a final plat submitted. Bishop stated that is correct, they plan on doing so this week.

Mr. Bishop presented drawings of the street layout, showing the placement of the existing sanitary sewer. The plan also showed the storm water sewer. A landscaping plan was presented, showing the street tree plan as well as a mounding plan to screen the BP gas station.

Mr. Frieze stated the siltation control plan will include straw bales on both sides of the creek as well as siltation fencing. Commission and applicant discussed the situation control plan at length.

Mr. Frieze presented a plan for storm water management and stated this is where his office is working closely with the Village Engineer's office. Mr. Frieze stated

Held

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their development is located at the lower end of a total water shed of 268 acres and they are only 35 acres of this total that flows into Hidden Lake. From the calculations they have submitted, they will be requesting that there not be a detention basin built. Due to being at the lower end of the water shed, and considering the calculations they presented to the Engineer, they will be working toward getting an approval without a detention basin being built. Frieze stated the Village Engineer has not had an opportunity to review this information, they are just informing the Planning Commission of what they will be requesting. Commission reviewed and discussed at length.

Commission stated they received notification from Geauga County that there is a Fox Run road in Russell and they questioned whether the proposed Fox Run should have a different street name. Mr. Bishop stated he will look into this issue.

Mr. Sutliff asked Dr. Yorum Eckstein what was the water situation for Fox Run Development. Dr. Eckstein stated they drilled three test wells and they pumped two of these wells as domestic wells. They found there was more than sufficient water to support this proposed development, the draw-down of the boundaries is less than one foot. Anything less than two feet is considered negligible impact on ground water resources.

Mr. Don Barr, Reserve of Whitetail, stated he is before the Commission for Final Plat Review of the proposed Reserve of Whitetail development. Mr. Barr asked Dr. Eckstein to give his report on their development and availability of water. Dr. Eckstein stated this report is based on a single family development of 47 lots. They did drill three test wells and they found there is sufficient water for this development. The draw-down of the boundaries is between one and two feet. Dr. Eckstein stated this development could have individual wells or wells that served more than one home. The fact that the plan now has 49 homes proposed at this time, will not affect the findings of this report. Mr. Barr stated their plan at this time is for each individual home to have its own well.

Mr. Barr stated he is before the Commission in hopes of getting the Final Plat approved for Reserve of Whitetail. Mr. Barr presented the Final Plat plan for the Commission to review. Mr. Markowitz stated he would like to review the issues that have been resolved as well as those that still need to be worked out. Markowitz stated there is more than enough open space for this project. The Association documents are in a form that Markowitz has already approved. The final plat language was faxed to Markowitz right before he left the office, he stated he has briefly reviewed it and only sees there are a couple of minor corrections to be made. The only other issue on the face sheet of the plat, is the certification of the boundary survey. Due to the fact that there are two different surveyors, one who did the boundary survey and one who did the interior survey, there is a discrepancy as to who will certify the survey. Markowitz stated this issue is yet to be resolved. Commission discussed this issue at length.

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Following review of the plat, Commission found there are three boundary pins that have not been set. Commission stated these pins would have to be set prior to Final Plat approval.

Mr. Sutliff asked what was resolved as far as the proposed cul de sac, as discussed at the previous meeting. Mayor Young stated at the last Council meeting, Council stated very clearly that they wanted a through road and not a cul de sac. Commission agreed that this issue was no longer an issue.

Markowitz stated the improvement plans are in the final stage of getting approved. Following the approval, then the bond amounts will be set.

Markowitz stated there are the variance requests which will be before the Commission at the March 4th meeting. The only issue that affects the approvals is the side cut of the one road.

Markowitz stated they do not have the insurance for erosion damage and sedimentation run-off.

Markowitz stated there still needs to be some language to cover the easement on either side of the stream.

Mr. Barr stated if they are able to get all the needed information to the Village Engineer and Village Solicitor and they are able to review and approve it, would the Commission be willing to hold a special meeting in order to approve the Final Plat. Following a brief discussion, Commission agreed to meet for a special meeting on ~~January~~ February 24, 1993.

Mr. Barr asked, relative to the maximum height regulation of 30 feet for residential homes, are there any plans in the future to amend that regulation and if there are not, could he file one variance for all their lots. The homes that are going to be built in this development will more than likely be greater than 30 feet. Markowitz stated there can not be a group variance request however an amendment could be adopted to change the maximum height regulation. Commission discussed this issue at great length and Mayor Young agreed to bring it up with Joe Franzese, Chairman of the Architectural Board of Review. When they have some additional information, they will bring it back to Planning Commission and Council.

There being no further business, meeting adjourned at 9:45 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

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RECORD OF PROCEEDINGS

071

Minutes of SPECIAL PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held JANUARY 18, 1993

19

MEMBERS PRESENT: Butz-Voss, Daniels, Cotesworth,
Sutliff, Young

OTHER OFFICIALS: T. Voldrich, D. Markowitz, D. Hocevar
K. Laderer

GUESTS: M. Fisher, D. Barr, J. Bishop, E. Vondra, J.
Peoraro, P. Morris, J. Singer.

Chairman Daniels called the special Planning Commission meeting to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels stated one reason for this special meeting is for the Commission to take action on the Variance request of Jerry Bishop, Fox Run Subdivision. Mr. Bishop is asking for a variance which will allow him to construct the entrance road into the Fox Run subdivision 220 feet from the intersection of Maple Springs and Bell Road. The Code requires a minimum of 400 feet.

Chairman Daniels stated the Commission asked the Police Dept. and the Village Engineer to review the plan and report back relative to the safety of the road placement. Kurt Laderer, Chief of Police, stated he had reviewed the plan and did not find any problem with the road placement and found no safety hazard. Tom Voldrich, Village Engineer, stated he had their traffic department review the plan and he agrees with the Police Chief, he sees no safety hazard with the road placement.

Following a brief discussion, Cotesworth moved to approve the variance as requested by Jerry Bishop, Fox Run Subdivision, which will allow the placement of the entrance road to be 220 feet from the intersection of Maple Springs and Bell Road. Butz-Voss 2nd. Roll call, all ayes.

Mr. Bishop asked if the Commission would allow them to install a 4' X 8' culvert where the road, Fox Den, crosses the creek. It is their thought that if they can do this in frozen ground, it will ultimately prevent excess soil erosion downstream. Commission agreed that anything that could be done to reduce the amount of siltation, should be done. Village Engineer stated he feels this is a sound idea, however the ground must be frozen.

Engineer stated the improvement plans are currently being reviewed and finalized and he does not want this to be done until the improvement plans are completed and approved.

Village Solicitor stated one thing that he would want to make sure is in place is the insurance with the rider for the pollution exclusion.

Following a brief discussion, Commission agreed to allow the placement of this culvert contingent upon the Engineer and Solicitor's approval.

Don Barr, Snavelly Development Co., stated he is before the Commission to discuss the Final Plat for Reserve at Whitetail Run, that is currently being reviewed by the Solicitor and Engineer.

Held

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Mr. Barr stated he is filing variance applications for the Reserve at Whitetail Run and explained to the Commission that the first variance is from the improvement standards which will allow modification of the right-of-way section on a portion of proposed Woodland Court by revising the section slopes away from the pavement. The second variance will allow the issuance of zoning and building permits for the construction of two model homes prior to the installation of paving and curbing. The third variance will allow for the issuance of zoning, building and occupancy permits prior to the final wear course of paving being installed and prior to the installation of the right of way landscaping. The fourth variance will allow the issuance of zoning and building permits (but not occupancy permits) when all subdivision improvements have been completed except utility lines, final wear course of paving and right of way landscaping. The fifth variance would allow the Architectural Board of Review to review plans prior to the issuance of zoning permits. Commission briefly discussed the variance requests and agreed to the the public hearing for Thursday, March 4, 1993 at 7:30 P.M.

Mr. Markowitz stated one issue that he has discussed with the developer and engineer is the amount of open space, is it sufficient? Markowitz stated it appears there is sufficient amount, however the Engineers will verify the amounts.

Markowitz stated another issue that has been addressed is the interconnect and the question is whether or not the Village would require the cul de sac to be drawn on the final plat, or whether the road should just be extended all the way to Emerald Lakes property with no provision on the plat for a possible future cul de sac between Whitetail Run and the Reserve of Whitetail.

Mr. Barr stated he feels if he is required to put in the provision for a cul de sac on the Final Plat, it will be an undue burden. First, they will have already put in approximately \$100,000 worth of improvements that will be wasted if it is ultimately cul de sac'd. Second, this will be in violation of the ordinance that requires an inter-connect. Third, this will provide for two additional unknowns to the potential buyers; one, will they be able to use both Rte. 306 and Bell Road and second, if they can not use Rte. 306 at sometime in the future, therefore forcing them to use the access through Emerald Lakes and not knowing what type of Development and houses will be built, Emerald Lakes may not end up being the type of entrance they would want to have for their development. Mr. Barr stated if this is required and the final plat is required to show the potential for a cul de sac, he feels their sales will be detrimentally affected.

Mr. Markowitz stated it is his feeling that this will give the Village the greatest flexibility as far as determining whether or not this road should be cul de sac'd sometime in the future.

Commission discussed this topic at great length. There was not any agreement reached on this issue and it will

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be further discussed at the next meeting.

Commission stated their next meeting will be held on February 4, 1993 at 7:30 P.M. and the issues remaining for the Reserve of Whitetail final approvals are as follows: title commitment, insurance, improvement plan approval by Solicitor and Engineer, Final Plat approval, setting of the bond amounts, Association documents, deed to the association, Zane Lee signature on title sheet, and water report submitted.

There being no further business, meeting adjourned at 9:10 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

074

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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RECORD OF PROCEEDINGS

067

Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held JANUARY 7, 1993

19

MEMBERS PRESENT: Daniels, Sutliff, Cotesworth, Young, Butz-Voss

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: J. Bishop, L. Lechman, D. Barr, R. Rosner, R. Long, H. Long, T. & D. Holzheimer, J. DiMichele, U. Rutishauser, S. Lowe, R. Atkinson

Public Hearing was called to order by Chairman Daniels. Roll call, all members present.

Planning Commission convened to hear the variance request of Jerry Bishop, Fox Run Subdivision, for a variance from the regulation requiring the minimum distance of the proposed entrance of Fox Run Subdivision to Maple Springs and Bell Road intersection be no less than 400'. Mr. Bishop is requesting permission to construct the entrance road 220 feet from the Maple Springs/Bell Rd. intersection.

Chairman Daniels read the legal notice as published in the Geauga Times Leader on December 15, 1992.

Chairman Daniels asked Mr. Bishop to make a statement regarding his request. Mr. Bishop stated the reason he is requesting this variance is because they would like to place the one entrance into Fox Run as far west from Rte. 306 as possible, in order to reduce any traffic problems that may occur. In addition, this is the most logical place to put the road due to the placement of the sewer line which runs through the property on a diagonal.

Janice DiMichelle, 21 Sugarbush, asked if the Village Police Department has had any comment regarding the safety of the placement of the road so close to that of Maple Springs. Mrs. DiMichelle stated her concern is also relative to the possibility of residents using Maple Springs as a cut through to Rte. 306. Commission agreed the Police Dept. should be requested to comment on the safety of the proposed placement of the entrance to Fox Run Subdivision.

Urs Rutishauser, 24 Sugarbush, stated he also has a concern with the proximity of this road to Gurney School and the traffic that Gurney School generates each morning and afternoon. Is the sight distance good enough for this proposed placement and wouldn't it be better to put it closer to Rte. 306? Commission agreed to send a copy of the plan to the Police Dept. for their review and comment.

Village Engineer stated he would like to have their traffic department look at the placement of the entrance road and he will report back to the Commission at the next meeting.

There being no further questions or discussion, Chairman Daniels closed the Public Hearing at 7:55 P.M.

Chairman Daniels called the regular meeting to order at 7:56 P.M. There being no additions or corrections to the November 5, 1992, Sutliff moved to approve the minutes as recorded, Young 2nd. Roll call, all ayes.

Held

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Don Barr, representing Paul Snavely, stated he is before the Commission requesting a minor subdivision of a piece of property located at 1620 Bell Road. Mr. Barr stated three months ago, Mr. Snavely received permission to reconfigure three lots located at this address. At this time, Mr. Snavely would like to divide lot #1 into two lots, #1A and #1B. Lot #1A would be two acres and the lot #1B would be approximately 22 acres. Commission reviewed the plan and application.

Commission asked if the County had given permission for an additional septic system. Mr. Barr stated no they had not granted permission.

Building Inspector, Dave Hocevar, stated he had no problem with the proposed plan.

Village Engineer stated he had not yet reviewed the plan, but just as a preliminary review, he does not see any problem.

Solicitor Markowitz stated he would like to review the language of the plat.

There being no further discussion, Sutliff moved to approve the application for a minor subdivision of Paul Snavely subject to the Solicitor and Village Engineer approving the plat language and the Geauga County Health Department giving approval for an additional septic system, Cotesworth 2nd. Roll call, all ayes.

Richard Rosner, representing Emerald Lakes Development, II stated when the approvals were given for this development, the document called Declarations, Covenants, Conditions, Easements and Restrictions was recorded with the Geauga County Recorder. At that time, they deliberately left blank the assessments to each envelope and subplot and they reserved the right to amend the declaration prior to the sale and conveyance of the first envelope or subplot to include these amounts. Since that time, the assessment amounts have been worked out and it is time to add them to the documents. Mr. Simon has guaranteed the assessments will not exceed \$960.00 per year for each home and \$480.00 for each vacant envelope through 1996. The common area expenses will include landscaping of the entrance and portions of the envelopes, snow removal of the roads and driveways, insurance, taxes, maintenance of the entrance and management fees. If the expenses exceed these assessments, then Mr. Simon is responsible to pay them.

Mr. Rosner stated he is before the Commission requesting approval of this amendment. Commission discussed this at length and following this discussion, Cotesworth moved to approve the amendment as presented condition upon the developer and the public being made aware that the Planning Commission is not making any representation as to the sufficiency or adequacy of the reserves for the maintenance repairs or replacement of common areas and they are approving the amendment to add the maximum annual assessment upon the request of the developer pursuant to the obligation as set forth in section 15.11 of the declarations, Butz-Voss 2nd. Roll call, all ayes.

RECORD OF PROCEEDINGS

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Minutes of PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held JANUARY 7, 1993

19

Jerry Bishop, Fox Run Subdivision, stated he would like to give the Commission an update on the Fox Run subdivision. Mr. Bishop stated he has County approval for the sanitary sewer tie-ins. Mr. Bishop stated they have drilled all the test wells and the report from Dr. Eckstein should be completed in the near future, however all preliminary indications are there is ample water to support this development.

Mr. Bishop stated it is their intention to get the Final Plat and application in by the February meeting. They are planning to meet with their engineers as well as the Village Engineer to determine what exactly has to be submitted at the next meeting.

Urs Rutishauser, Sugarbush Lane, stated their small development is very concerned with the potential run-off from the Fox Run development that would come into their lake. They have already gone through one dredging of their lake and they don't want to have to go through another. What kind of plan will there be to protect their lake and how can the residents be assured that the plan will be implemented?

Mr. Bishop stated they will present a complete siltation plan to control all the possible silt during construction and they will follow any and all requirements of the EPA.

Markowitz explained the procedure the developer must follow in order to get approval to begin his development and what approvals he will need for siltation plans, improvement plans and final plat plans. Markowitz stated once construction commences, there will be inspectors from the Village Engineer's firm which will make sure all the specifications called for in the plans are being properly installed and all the soil erosion controls are being continually maintained. If the residents wish to have input on the siltation control plans, what they need to do is contact the Village Engineer office and speak directly with the Engineer during the review of the improvement plans.

Commission encouraged the residents to become involved with the development of the erosion control plans, contact the Village Engineer and ask any and all questions relative to the installation of these plans. Markowitz suggested to the residents of Sugarbush that they have a baseline study done of the siltation level of their lake, so if in fact there is an erosion problem, they will have a basis from which they can measure the damage.

Commission discussed the variance application relative to the placement of the entrance drive. Mayor Young stated he feels that before a decision can be made, the Commission should get input from the Police Department as well as the Village Engineer's office. Once those reports are submitted, the Commission can take action. Markowitz stated the Commission has 30 days to take action.

Commission discussed the variance application and agreed to hold a special meeting on Monday, January 18th to take action on this application.

Held

19

Don Barr, Reserve of Whitetail Run, stated they are before the Commission with a revised plat showing two additional lots and a small change in the layout of the road. The reason for the reconfiguration is due to the topography and their desire to maintain the prettiest areas of the subdivision. Mr. Barr stated they will be coming back for a variance from the improvements standards due to the construction of the road over the culvert which will need some embankment that does not follow the required specifications of the improvement standards. Mr. Barr stated the reason for the variance request is to try and preserve as much of the natural beauty as possible.

Mr. Barr stated there will be 29 lots in phase one and all the lots are one acre or larger. Commission reviewed the plan and stated they had no objections with the plan as presented and support Mr. Barr in saving as much of the natural terrain as possible.

Commission discussed with Mr. Barr the creek that runs through the property and should there be an easement written to protect the flow and provide access. Mr. Rosner stated this could possibly be covered under a deed restriction.

Mr. Barr stated he would like to proceed as quickly as possible and if there is going to be a special meeting on the 18th, they would like to be put on the agenda to discuss further the final plat.

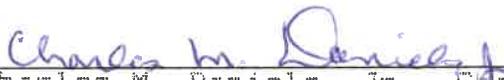
Mr. Barr, Solicitor and Village Engineer agreed to meet prior to the meeting on the 18th to discuss the final plat and the improvement plans and be prepared to discuss any problems and questions.

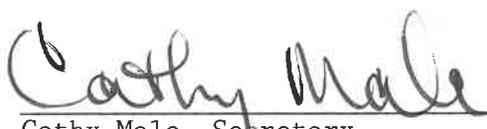
Commission and Mr. Barr discussed the issue of open space at great length. Mr. Markowitz stated the Village needs to be assured that there is sufficient open space and that it is usable open space.

Mr. Barr thanked the Commission and stated he would be back on the 18th.

Mr. Markowitz stated Mr. Sid Simon owes the Village over \$10,000 because he has not been maintaining his accounts and inspections have been continuing. Planning Commission agreed that no more work would be allowed until all his bills have been paid and the deposits are brought up to date.

There being no further business, meeting adjourned at 11:10 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

DECEMBER 1, 1994

19

MEMBERS PRESENT: Butz-Voss, Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, T. Harvey, A. Mezak

Meeting was called to order at 7:30 P.M. Roll call, Cotesworth was absent.

Secretary apologized for sending the minutes and correspondence so late. Chairman Daniels stated the minutes would be tabled until the next meeting.

Mr. Sid Simon, Emerald Lake III, stated he is before the Commission to discuss the easement located on S/L #72, Emerald Lake III. Simon stated this lot is a corner lot and the easement runs through the middle of the property. What he would be proposing is to move the easement to follow the property line along Alderwood Trail and flow into the wetlands.

Mr. Tom Harvey, future owner of S/L #72, explained the easement was approved running across the subplot and what is proposed is to take the easement and run it down along Alderwood Trail and dump it into the wetland/common area.

Commission, Simon, Harvey and Village Engineer discussed the proposed plan at great length.

Village Engineer stated he felt the proposed plan as presented for S/L #72 would work, the only change necessary would be for the drainage easement along Alderwood Trail would have to be extended further into the common area, making sure it flows far enough into the wetlands.

Planning Commission discussed the proposed plan at great length. Mayor Young stated he is very concerned about who will maintain the easement, is the homeowner's association required to maintain this easement if the homeowner does not? Markowitz stated they are not required to maintain the easement if the homeowner does not. Mayor stated another issue that concerns him is, the current easement is located where there is a natural drainage swale, and now if the new easement is approved, this natural waterway will be disturbed by creating new ditches and swales to drain the run off, creating more erosion while it establishes itself. Mayor stated he is concerned with the potential for additional erosion problems.

Markowitz stated if this plan is approved, he thinks the what the Commission might be doing is creating an additional responsibility for the association. However, even if the current easements are left, the association might possibly have the same responsibility.

Village Engineer stated the swale as drawn on the plan will not have grass growing, the only vegetation it will sustain

Held

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will be cattails and similar vegetation.

Mayor stated what he is ultimately concerned about is what this easement and/or swale will look like. If grass does not grow, how will it look? In addition, who will be responsible for the maintenance and up keep? These items must be settled.

Commission, Engineer, Mr. Simon and Mr. Harvey discussed at great length the details of the easement plan as presented by Mr. Simon.

Markowitz stated the final plat for Emerald Lake III, that has been presented tonight, has to be revised and he has sent a letter to Gattoski a letter regarding the necessary changes. Markowitz stated he feels Simon's engineer and the Village engineer should get together and resolve the outstanding issues. Markowitz stated as part of an approval of an amendment of the plat, the Village can require them to submit improvement plans to accomplish the new drainage and they can require them to bond it and come up with whatever provisions the Commission deems appropriate. Once this is done, then the revised plat and new drainage plan can come back to the Commission for approval. Commission agreed.

Mr. Simon stated he would like to request the Commission to set a date for a variance hearing which if granted would allow the construction of homes in phase III prior to the acceptance of all improvements for dedication. Commission agreed to set the date of January 5, 1995 at 7:30 P.M. for the variance hearing, contingent upon Mr. Simon submitting all necessary fees and application.

Mr. Richard Rosner, attorney for Mr. Simon, stated he is before the Commission requesting recommendation for dedication of Alderwood Trail. Mr. Rosner stated they have just resolved the title problem and have received the title commitment from Midland Title which shows title of the street and the rest of the subdivision as free and clear.

Mr. Rosner stated there are a few items left on the punch list which he feels can be completed prior to the next Council meeting, and what they would like tonight is Planning Commission's recommendation for approval so they can go on to Council on December 12th.

Village Engineer stated he has a letter from Geauga County that states the sanitary sewers are approved. One area that has not been resolved is the storm sewer drainage issue on Woodrush cul de sac. Mr. Simon stated he is waiting for a design from his engineer and as soon as he receives it he will submit it the Engineer's office.

Mr. Voldrich stated if the Planning Commission recommends approval for dedication they will be accepting storm sewer systems on Phase II that he does not know the parameters of design and he would not be comfortable with this action. Mr. Voldrich stated this is not a new issue, he asked for this information in the spring. Mr. Voldrich stated he feels it is important to resolve this issue prior to the acceptance for dedication of Alderwood Trail.

Voldrich stated he walked through the development today and there are a few additional items that need to be taken care of prior to dedication. First, the lights at the entrance are broken and need to be either removed or repaired. Simon stated they have been replaced twice due to vandalism and he will see that they are removed. Voldrich stated there is

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Held

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silt fencing that needs to be removed, it no longer is serving any purpose. The streets need to be cleaned again.

Other issues that need to be addressed are getting final as-builts and determining the depth of the retention ponds. Voldrich stated the retention ponds were constructed to be a certain depth and he feels it might be important to make sure there is sufficient depth for future run-off siltation. Voldrich stated considering how much run-off we have had this past year, he is suspicious that the ponds are not at the depth that they were intended to be, the storage of the retention ponds function for storm retention needs to be verified. Commission discussed this item and agreed that the depth should be checked.

Following further discussion, Sutliff moved to recommend approval of Alderwood Trail for dedication conditioned upon providing a letter of credit for \$40,200, presenting a maintenance bond and certificate in case of default, presenting all lien wavers, resolving the drainage issue north of Woodrush Circle prior to the December 12th Council meeting, reserving the right for Voldrich to do a final walk-thru, repairing or removing the front entrance lights removing the silt fences along Alderwood Trail, cleaning the streets, the Village Engineer reviewing the as-built plans for the spur roads, checking the depth of the retention ponds and verifying that deposits are up to date. There being no second, motioned died.

Commission stated if all the above items are completed prior to the Council's meeting on the 12th, Council could accept for dedication Alderwood Trail without a recommendation from the Commission.

Mrs. Ann Mezak, Ann's Child Center, stated she received conditional approval from the Commission on her proposed child care center two months ago. Mrs. Mezak stated she is back before the Commission to go over the conditions which she has met, in hopes of getting final approval. Mrs. Mezak stated she received approval from the Zoning Board of Appeals for a variance allowing a nursery school within the child care facility. A letter from Dr. Eckstein stated she has received his approval as far as verifying that there is sufficient amount of water, however he still wants to make sure there will not be any negative draw down of the surrounding area. Mrs. Mezak reported the State of Ohio determined that they would not rule on the curb cuts, they felt it was South Russell's responsibility to make this determination. Mrs. Mezak stated she needs the Commission's approval of the curb cuts so she can pursue her zoning permit.

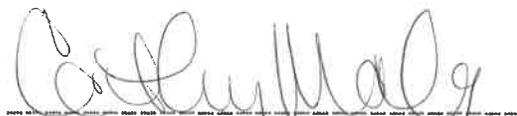
Held

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Following brief discussion, Sutliff moved to accept the condition as being satisfied as to ingress and egress from State Rte. 306, into and out of the property, the requirements of the EPA letter dated November 9, 1994 must be met as well as the requirement of Dr. Eckstein's letter of November 28, 1994 that a hydro-geologist assess the data from the drilling of the well to certify back to Planning Commission that the well as designed, will not create any harmful draw down to any other wells in the surrounding area, Butz-Voss 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 10:15 P.M.


Charles M. Daniels, Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS
PLANNING COMMISSION MEETING

339

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

NOVEMBER 3, 1994

Held

19

MEMBERS PRESENT: Butz-Voss, Daniels, Cotesworth, Young, Sutliff

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, P. Snavely, L. Butler, J. Withrow, B. Porter, T. Harvey, D. Arthur, H. Arthur, P. Snavely

Meeting was called to order at 7:30 P.M. Roll call, all members were present.

Chairman Daniels stated there were five sets of minutes to approve, the first being August 4, 1994. Chairman Daniels asked for any additions or corrections. Cotesworth stated on page 294, 4th paragraph, first line should read "Butz-Voss moved to deny"; page 295, third paragraph, 6th line, the word "spurs" should be "spur"; 4th paragraph, 6th line should end with "will be" and in the last line, the word "of" should be the word "on"; on page 296, third paragraph, 6th line, the word "be" should be added following "to" and in the 8th line, "time" should be "times", in the sixth paragraph, 4th line the word "it" should be "is". There being no further corrections, Cotesworth moved to approve the minutes for August 4th as amended, Young 2nd. Roll call, all ayes.

Minutes for the September 8th meeting, Daniels asked for any additions or corrections. Markowitz stated on page 302, 2nd paragraph, 12th line, should have the words "acceptable to the Solicitor" added following the word "policy"; page 305, third line, following "stated" the word "the" should be "that", in the 7th line, following "that" should be the word "the". In the first paragraph, third line the word "fits" should be "fit and in the fourth line, following "B-2" should be the word "use". There being no further additions or corrections, Butz-Voss moved to approve the minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Minutes for September 19th, Daniels asked for any additions or corrections. Cotesworth stated on page 313, ninth paragraph, 2nd line, the date should read 9-20-94; page 314, 2nd paragraph, first line, the word "their" should be "the", 2nd paragraph, first line, the word "is" should be added after the word "he", the third paragraph, second line, a \$ sign should be added before "29,000". There being no further corrections, Cotesworth moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Minutes for the October 3rd meeting, Daniels asked for any additions or corrections. Cotesworth stated on page 323, first paragraph, 12th line, the word "has" should be added following "he" and in the last line, the word "takes" should be "take", the third paragraph, first line, the words "about what" should follow the word "Engineer"; on page 324, 6th paragraph, first line, the word "be" should follow "will"; on Page 325, 4th paragraph, first line, the word "suppose" should be "supposed" and in the 5th paragraph, last line, the word "on" should be "in". There being no further corrections, Cotesworth moved to approve these minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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Minutes for the October 25th meeting, Daniels asked for any additions or corrections. Markowitz stated on page 329, fourth paragraph, second line, the word "the" following the word "the" should be omitted, in the 5th paragraph, 20 line, the word "a" should be added following the word "are". There being no further corrections, Sutliff moved to approve the minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lake III, stated he is requesting permission to relocate a drainage easement that currently runs through the middle of Sublot #72 and move it so it will run along the back of the lot. This lot is located at the corner of Alderwood Trail and the Manorbrook Drive extension. Mr. Simon stated they have completed the Manorbrook extension and would like to move this easement to allow easier placement of the home proposed for this lot.

Commission reviewed the plan presented and discussed at great length. Commission agreed that the easement needs to be moved out of the middle of the lot, however their concern was the problem that will be created when a stable area is opened up to create a new easement. Engineer stated the fall to rear of the lot is not a concern, it is the instability of the land that concerns him with the possibility of siltation flowing into the wetlands behind the lot. Another concern is the sharp bend in the proposed route of the easement, this will need the installation of rock to assure as much stability as possibility.

Mayor Young suggested the possibility of putting in a culvert for this drainage easement. Simon stated he will not put in a culvert due to the cost being too high.

Commission discussed different options for this drainage easement. Following a lengthy discussion, Commission stated they do not have sufficient information to make a decision on approving this plan and following the discussions and suggestions made at tonight's meeting, Commission suggested Mr. Simon firm up the proposed plan and resubmit at the next meeting.

Mr. Simon stated he is also interested in the possibility of getting the Manorbrook Drive extension dedicated. Simon stated he has someone interested in purchasing the lot discussed with the easement and he would like to get the construction started as soon as possible. Commission stated they did not feel it would be realistic to dedicate this road before the spring of '95. Mr. Simon asked if he could get a variance to begin construction on this lot prior to dedication? Mayor stated as far as he is concerned, if the drainage problem could be worked out to the satisfaction of the Village, possibly a variance could be granted.

Mr. Simon stated the third item he needs to discuss with the Commission is the maintenance bond for Alderwood Trail that is being requested. Mr. Simon stated he can not leave \$40,000 in a pledge account because he needs this money to pay his bills. Simon asked if the rules or regulations had been changed since the last time he had to post a maintenance bond? Markowitz stated the rules have not been changed, the \$40,000 that is sitting in the pledge account has not been released by the Village Engineer until the maintenance bond amount has been posted. Markowitz stated the Village needs the assurance that they will have the money for the maintenance bond. Commission discussed at length.

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Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held NOVEMBER 3, 1994

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Markowitz stated there is still the issue of Mr. Simon's request for approval of dedication for Alderwood Trail. Village Engineer stated he has submitted a report of outstanding issues on Alderwood Trail which list items that need to be completed. Voldrich stated several of the items are minor ones and several items are currently being dealt with by Mr. Simon. Voldrich stated instead of spending alot of time going over these items tonight, it would be his recommendation that the Commission hold off on taking any action at tonight's meeting. Voldrich stated he will not recommend approval of dedication tonight. Mr. Simon stated he is not ready to request dedication, he will hopefully be back at the next meeting with all the necessary work completed.

Mr. Bill Porter, Snavely Development Co., stated he is before the Commission requesting approval for a home which is proposed to be built at S/L #24, 515 Fawn Court, phase I of Reserve of Whitetail. The home is proposed to be 34 feet tall and this exceeds the 33 foot maximum. Porter stated the home has a walk out basement which increases the average height. Commission reviewed the plan presented. Hocevar stated he did not have any problems with the proposed home and the height. Following brief discussion, Sutliff moved to approve the development review application for the height of the home to be built at S/L #24, 515 Fawn Court, Reserve of Whitetail, Cotesworth 2nd. Roll call, all ayes.

Peter Snavely, Snavely Development Co., stated they are before the Commission requesting approval for dedication, the roads in the Reserve of Whitetail I. The Commission reviewed and discussed the Engineer's punch list dated November 1, 1994. Snavely stated they have been working diligently on the list dated October 18, 1994 and they feel they have accomplished almost everything listed. Mr. Snavely stated he was a little surprised to see some of the items on the November 1st punch list however most of the items are complete. Engineer reviewed the 11-1-94 punch list, items #2, 3, 4, are complete; item #5 is complete except there is still two stop signs missing at the corner of Fawn Court and Manorbrook Dr.; Items 7, 8, 9 and 11 are complete; item #10, ponding water, is a relatively minor item but it still needs to be corrected. Item #1, improperly applied joint sealant; and Item #6, the temporary barricade at the cul de sac is incomplete. Mr. Snavely asked what would be required for the barricade? Mayor stated their biggest worry is to make sure no one gets hurt by going through the barricade accidentally. Mayor stated the requirements are listed in Item #6.

Commission, Mr. Markowitz and Mr. Snavely discussed the amount of the maintenance bond that will be set prior to dedication being granted. Mayor Young stated the Village must depend upon the Solicitor and Engineer to set the bond which will protect the Village. Mr. Snavely stated he would ask the Village to hold the Bond amount to \$63,000.

Following further discussion, Butz-Voss moved to recommend to Council to accept for dedication the roads in the Reserve of Whitetail I subject to all the items on the Engineer's punch list, dated 11-1-94, being completed, and upon the appropriate maintenance bond being set by the Village Engineer, Sutliff 2nd. Roll call, Cotesworth, nay; Sutliff, Butz-Voss, Young and Daniels, yea.

Mr. Carl Milstein, Fox Run Subdivision, stated he would like to request Planning Commission's approval for the dedication of the streets in Fox Run subdivision. Commission reviewed

Held

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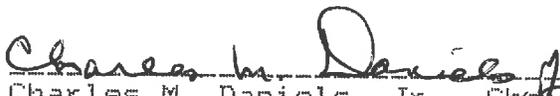
the Engineer's letter and punch list items dated on November 2nd. Milstein stated Item #1, approved stop signs installed, was completed today. Item #2, clearance of all deposits with the Village, has been completed. Item #3, waiver of liens, Milstein stated Mr. Rosner is currently working on this paper work. Item #4, curb repairs, Engineer stated these are almost all complete and accepted except for two cul de sacs and he has been assured this work will be completed the week of November 7, 1994.

Mayor asked if there is anything on the Arthur property and the problems with the culvert that should hold up action from the Village to accept the roads for dedication. Markowitz stated no, as long as it is not part of the drainage system, that is part of the improvement plan. Mr. Arthur stated he does not want to hold up dedication. Commission discussed the current situation with the ditch on the side of the Arthur property. Voldrich stated if the Arthurs and Mr. Milstein are not going to go ahead with this culvert project, the stone in the ditch currently will need to be reconfigured. Markowitz stated this could be added to the maintenance bond list, if they did not do it by June, 1995, the rock channel would have to be corrected.

Mr. Milstein explained the series of events that caused the problem with the Arthur ditch. Mr. Milstein stated he has a plan for installing a culvert in the ditch at a cost of \$25,000. Mr. Milstein stated if Mr. Arthur is in agreement, he is willing to have a culvert 105 feet long installed on his property. Mr. Arthur stated if it can be 105 feet long, he would be in agreement.

Following further discussion, Cotesworth moved to recommend to Council approval for dedication, Fox Run Subdivision, subject to the items in the November 2, 1994 from the Village Engineer being taken care of prior to Council's meeting on November 14, 1994, Young 2nd. Roll call, all eyes.

There being no further business, meeting adjourned at 10:15 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

SPECIAL PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

OCTOBER 25, 1994

19

MEMBERS PRESENT: Daniels, Sutliff, Cotesworth, Young, Butz-Voss

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocevar

GUESTS: C. Milstein, R. Rosner, A. Williams, D. Arthur, H. Arthur

The special meeting was called to order by Chairman Daniels at 7:30 p.m. Roll call, all members were present.

Chairman Daniels stated the reason for this special meeting is to discuss the progress made in completing the improvements in the FOX RUN SUBDIVISION. Mr. Daniels stated he would like to state that MR. MILSTEIN, DEVELOPER OF FOX RUN, has been very cooperative with him in trying to get all the unfinished items resolved.

Mr. Sutliff asked what was the status of the open ditch next to the Arthur's home. Mr. Arthur stated they are working on getting a plan to put in a box culvert. Village Engineer stated he has asked Scott Wood from his office to review the plans presented and discuss with the developers engineer and see if there can be an agreement to the proper design.

Engineer Voldrich stated he has a letter from Knight & Stollar which states they have reviewed the Fox Run site and find all street trees in the right of way planting have been installed as directed.

Commission asked the Village Engineer to review items that are not completed as of this date. (1) Voldrich stated the curb repairs are not completed, the cost is expected to be about \$3,000 and the work is expected to be completed by November 15th. (2) Seeding of the various areas in the development is not complete, but this item will be taken care of by the maintenance bond. Markowitz explained that if the seeding is not done, the Commission has the ability to not dedicate the street. Markowitz explained the Village once before, in Emerald Lake I, allowed an improvement plan requirement not to be completed at the time of dedication, and it was allowed to be completed under the maintenance bond. Cost approx. \$3,000. (3) There is one buried manhole (storm sewer) which needs to be raised, cost approx. \$200.00. (4) There is a gutter in one of the cul de sacs that is holding water and needs to be repaired, this will be done with all other curb repairs. (5) Drive off of Rte. 306 which is on the commercial part of the property and Mr. Milstein has made application to the State for a curb cut. (6) There are a couple of issues that revolve around the Arthur property that are on the punch list that will become void when the contract to put in the culvert is signed. (7) There will be a need for a letter from the EPA clearing the erosion issue. Mr. Milstein stated they met with the EPA and they have an understanding of what needs to be done, but he does not have a letter with their signatures signing off. (8) Stop signs are not the standard size and need to be changed. Commission instructed the developer to contact the Village road dept. and order the proper signs.

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Markowitz stated the options the Commission has regarding the letter of credit is (1) draw any or all of the monies for any items that are not completed (2) now that the Commission has the original extension of the letter of credit until January 31, 1995, the Commission could allow additional time to complete the items on the punch list and within this option there are two additional options, first you could allow dedication to occur before that date if everything is done except the seeding and have that as part of the maintenance responsibility as well as repairs to the asphalt or the Commission could require that everything be completed prior to dedication, which would require the Village to either draw on the letter of credit prior to January 31st or give additional time to get the seeding done and this would require them to put up a new letter of credit until some date in the summer.

Following a lengthy discussion, Commission agreed to not take any action and wait until the December meeting to see what progress has been made. At the December meeting the Commission can then decide whether to go ahead and recommend dedication or call the letter of credit and complete the items on the punch list.

There being no further business, meeting adjourned at 7:35 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held OCTOBER 3, 1994 19

MEMBERS PRESENT: Sutliff, Cotesworth, Daniels, Young

OTHER OFFICIALS: D. Markowitz, D. Hocesvar, T. Voldrich

GUESTS: S. Simon, M. Benes, J. Bishop, R. Rosner, C. Milstein, H. Arthur, D. Arthur, A. Williams, S. Eisenbrown, G. Stricker, B. Porter, P. Snavelly, P. Snavelly, J. Withrow, G. Stanek,

Meeting was called to order by Chairman Daniels. Roll call, Butz-Voss was absent.

Matt Benes came before the Commission to informally discuss a minor lot split of the property located at 949 Bell Road. The current homeowner owns the 3 1/4 acre parcel which has a century home located 30 feet back from Bell Road and what they would like to build is a post and beam home back in the wooded area of the lot. Benes presented preliminary plans for the minor lot split. Benes stated Country Estates basically surrounds this parcel. Benes stated he is proposing to split the property into two lots, one being 2.02 acres and one being 1.21 acres. The home in the rear would have a driveway off of Bell Road, back to the site. Mr. Benes stated they have approximately 60 feet of width to install a drive. Benes stated they still have to get a report verifying there is sufficient water.

Mayor stated he wanted Mr. Benes to be sure to consider the neighbor when placing the driveway, making sure it will be properly screened.

Building Inspector, Dave Hocesvar, stated he did not see any major problems with this proposal at this time.

Markowitz stated this area might be in the 5 acre zoning due to the availability water. Mr. Benes must get a report from the Village Hydrologist verifying there is sufficient water.

Mr. Benes thanked the Commission and stated he would make a formal application at a later meeting.

Mr. Sid Simon, Emerald Lake II & III, stated he is before the Commission to report to them what is going on in his development and let them know what he would like to do in the near future. Mr. Simon stated the Village Engineer called him and stated they must get the borrow pit seeded and mulched no later than Thursday, October 6th. Mr. Simon stated he promised the Engineer this would be completed by that date.

The next item is the connector road. Mr. Simon stated they are working on it and they are planning to start the curbs on Wednesday, then do the proof roll and if that is ok, they will hope to pave within the next few days. Also, he would like to pave the rest of the roads, the main road and the spur roads immediately after the connector road. Mr. Simon stated he wants to get them paved prior to winter so they can have good drainage. Simon stated he hopes to accomplish

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this within the next 10 days to 2 weeks.

Mr. Simon stated he would like to open up the connector road prior to what the current agreement states. Mr. Simon stated if he can get a commitment from the Snavely's that there will be no truck traffic from their development, he would like to open it up to the public.

Pete Snavely, Snavely Development Co., stated he does not feel it is possible to prevent truck traffic, once the road is dedicated. Commission asked the two developers to discuss this item on their own and work out the details.

Mr. Simon stated he very much wants to get the road paved in order to provide for better drainage. Right now after a rain, there are puddles and he does not want to go into the winter with bad drainage.

Mayor asked if it was better for the road if it is sealed now and then sealed again after the final paving? Village Engineer stated yes it would be and that is exactly what was done in Fox Run.

Mayor stated there is also alot of seed and mulching to be done along the right of ways. Simon stated after all the paving is done, the grading will be done, it will then be seeded and mulched. Engineer stated he will request that all seed will be put down no later than October 15th in order to get sufficient growth prior to winter. Simon stated if the weather or the installation of the utilities prevents them from doing the final grading and seeding, they will mulch it for the winter to try and stabilize it until the spring.

George Stanek, Southwyck resident, asked if the borrow pit would be graded before it was seeded? Simon stated yes it would and the work would begin tomorrow.

ANN MEZAK, ANN'S CHILD CENTER, stated she is before the Commission requesting conditional acceptance for the proposed day care center as presented at the last meeting. Mrs. Mezak stated the approval, if given, would be conditional upon Dr. Eckstein's approval of the water, which he has given verbally, with a letter forth coming and in addition to an approval from the ZBA on the nursery school use within the day care facility. Mrs. Mezak stated they did move the driveway as previously discussed, so there is a twenty foot wide ingress and egress. Chief Laderer has written a letter stating there should not be any problem with the traffic in the area.

Mr. Sutliff asked if Mrs. Mezak had contacted the State Highway Dept. regarding the curb cut on Rte. 306? Mrs. Mezak stated she had not. Chairman Daniels stated he spoke with Police Chief Laderer and the State will not lower the speed limit.

Mrs. Mezak stated at the current time they will be plumbing an area for a kitchen in the future, but at this time they will not be providing any meals, all lunches will be brought in by the children.

Following a lengthy discussion, Sutliff moved to approve the development review application for Ann's Child Center contingent upon the Zoning Board of Appeals approval of the nursery school use, upon Dr. Eckstein's review and approval of the water and upon the State review and approval of the curb cuts on State Rte. 306, Cotesworth 2nd. Roll call, all

DAYTON LEGAL BLANK CO., FORM NO. 1014B

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ayes.

Markowitz stated it is understood that the Building Inspector will monitor all the above conditions to the development review approval.

MR. BILL PORTER, SNAVELY DEVELOPMENT, RESERVE OF WHITETAIL, stated he is before the Commission relative to the need to extend the performance bond for the Reserve of Whitetail. Mr. Porter stated they are about 99% finished, they have one cul de sac to pave which is scheduled to be done tomorrow. The punch list from CT Consultants has basically only the cul de sac on it yet to be completed and he is wondering if he has to get an extension? Markowitz stated at the last meeting they granted an extension until October 6th with the letter of credit expiring December 31st. Markowitz stated he does need to request an extension. Village Engineer stated he ^{has} not spoken with the inspector to find out what exactly is left to be done. Voldrich stated the items on the punch list were not substantial ones and should not take an excessive amount of time to complete.

Mr. Porter stated they did have a proof roll prior to the paving that was done last week and everything looked good. Porter stated they did have a mis-communication with the Village Engineer's office getting an inspector and that was their fault.

Mayor Young stated the miscommunication between the developer and the Village engineer's office is a serious one, when the paving that was done, was done without an inspector. Mayor stated he feels it is very important to figure out what went wrong and make sure it does not happen again. The roads are one of the Villages largest assets and they must be installed with the benefit of inspectors to make sure the roads are installed correctly.

Markowitz questioned the Village Engineer ^{about what} if the Commission took no action and did not extend the bond, would there be a concern about the erosion controls that would need to be installed between now and the next meeting. Voldrich stated no, there are no erosion problems that he can see.

Markowitz stated he does not see the need to extend the bond at this meeting. Commission can wait until the next meeting and if the work is not done to the Village Engineer's satisfaction, a default can be declared and the money left in the letter of credit can be taken to complete the work.

Mayor asked about the guardrail going back on Woodland Court, does it need to be extended? The Village Engineer stated the thinking is to extend the guardrail farther to the east, to more fully wrap the sharp drop-off area. This was not on the improvement plan originally, but it would be nice to add on 20 feet of railing.

Pete Snavely, Snavely Development, stated if this is the right thing to do, they will do it. But what they want to see happen is the Village to take the road and quit presenting all these add-ons which delay the Village from taking the road. Mr. Snavely stated they feel they have been responsible and they very much want to get the road dedicated and turned over to the Village.

Mr. Snavely asked what exactly needs to be done to get the road dedicated. Solicitor stated they have to make application, have Knight and Stolar sign off on in writing,

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get the Village Engineer to sign off on all the punch list items, then it goes on to Council for their acceptance and approval.

MR. JERRY BISHOP, FOX RUN SUBDIVISION, stated he is before the Commission to give an update on the progress they are making on the Engineer's punch list.

Mr. Bishop stated on the repairing of the curbs, he has met with the Village Engineer and the company that distribute and install the product that repairs broken curbs and Mr. Milstein has signed a contract with this company and they will get out and do the needed repairs as fast as possible, which will be anywhere from three to four weeks. The work will take two to three days to complete.

Mr. Bishop stated on the landscaping, most of the unacceptable trees have been removed and they are scheduled to start planting new trees on Wednesday, October 5th. Mr. Milstein stated he has contacted Knight and Stolar and they will be inspecting the planting of the trees as they are being planted.

Chairman Daniels asked what had been resolved with the culvert on Mr. Arthur's property? Mr. Arthur stated nothing had been resolved, he met with Mr. Hamilton, Fox Run's general contractor, and to enclose the culvert they were given a price of \$40,000. This cost is prohibitive to do the project.

Mr. Hamilton stated they will now try and get a price for pouring the culvert in place. Commission discussed this situation briefly.

Mr. Bishop reported that the EPA will ^{be} coming out this week to inspect soil erosion protection and ground cover of the entire project.

Markowitz reported he spoke to Sharon Neuman of Dick Rosner's office and it is his understanding that the EPA will come back out and inspect and they are in the process of notifying the property owners who have purchased lots that they will be individually responsible for the storm water discharge from their lots.

Mr. Greg Stricker, resident of Fox Run, stated the landscaping of the entrance is looking very poor and they are looking for some commitment from the developer to clean up this area, i.e. mowing, trimming, replanting grass in areas where it has not germinated and replacing dead bushes, etc.

Mr. Carl Milstein, developer, stated he would like to meet with the residents and landscaper to discuss what needs to be done to make it right. Mr. Milstein stated he would be at the development with the landscaper tomorrow and he would like to meet with the residents. Residents agreed.

Solicitor stated what the Commission must deal with tonight is the Letter of Credit runs out November 1st and they must decide what to do with the Letter of Credit. Markowitz stated it would appear that not everything will be done by October 6th so what the Commission needs to determine is if they want to call the Letter of Credit or have the developer get an extension. Mayor stated they could call the letter of credit, hold till the next meeting and if the work is complete, return the money. Solicitor stated this could be done.

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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Markowitz asked if the County had signed off on the sewers? Bishop stated he has spoken with Kathy Bender and she stated she will send a letter confirming their approval, but as of this date they have not received the letter. Mr. Henderson stated he would try and get a letter sent from Kathy Bender.

Markowitz asked the Engineer if he had approved the roads. Voldrich stated the road paving is OK.

The issue of the culvert at the Arthur's residence was discussed at length. Mr. Arthur stated the culvert has been enlarged and he doesn't know why or who requested it be enlarged. Mr. Hamilton stated the culvert was enlarged when the EPA instructed them that more rock channel must be installed, he did what he was told to do per the EPA. Arthur's stated that might be what the EPA required but they are not happy with the size of the culvert and the fact that it is right next to the edge of their home.

Mr. Bishop stated the EPA is supposed to be coming out within the next two weeks. Commission asked Mr. Bishop to notify the Arthurs when the EPA schedules the inspection so they can be in attendance if they wish. Mr. Bishop agreed.

Mayor Young stated he has seen Mr. Milstein become more involved with this project in the last couple of months, following the threat of calling in the letter of credit. He is very thankful that Mr. Milstein has seen to it that some positive action has taken place in getting the Fox Run development completed. It is his feeling that it would be better to extend the letter of credit a couple more months in lieu of calling on the letter of credit.

Following a lengthy discussion, Young moved not to call the letter of credit if all punch list items from the Village Engineer are completed, other than the curb repair, by October 24, 1994 and if the Village receives an extension of the letter of credit in the amount of \$52,200.70, which will have an expiration date no earlier than January 31, 1995 and that the curb repair work be done by November 15, 1994 and further that any additional punch list items that are agreed to by the Chairman of Planning Commission and the developer Mr. Milstein, out on site on October 4, 1994 also be completed by October 24, 1994, Cotesworth 2nd. Roll call, all ayes.

Mr. Hocesvar asked the Chairman to be sure and check the ditch along Bell Road during his inspection with Mr. Milstein, there are several areas that are holding water along the ditch.

There being no further business, meeting adjourned at 9:40 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

Minutes of

SPECIAL PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

SEPTEMBER 19, 1994

19

MEMBERS PRESENT: Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, D. Hocesvar, T. Voldrich

GUESTS: J. Bishop, R. Rosner, H. Arthur

Special meeting was called to order by Chairman Daniels. Butz-Voss and Cotesworth were absent.

No action was taken on the minutes of the previous meeting.

Chairman Daniels stated the reason for tonight's meeting is to hear from the developer of Fox Run and get a report on the progress of completing this development.

MR. JERRY BISHOP, FOX RUN SUBDIVISION, stated since the last meeting they have put the top coat on the street and sealed it. They have been watering the mound area on the days it has not rained, some grass is growing but not enough. The trees that need to be replaced have been reordered. Other than that, he is before the Commission to answer any other questions.

Chairman Daniels asked Mr. Bishop if he had seen the latest report from Knight and Stolar relative to the landscaping. Mr. Bishop stated he had not. Village Engineer stated he had just received this report and he is sure Mr. Bishop had not received a copy yet.

Mayor Young asked that the Commission, Engineer and Developer go through the punch list dated 8-29-94, copy hereto attached, to see what items have been completed and which items are still open.

Voldrich stated in the Priority Punch List, Item #1 is complete. Item #2 is open, EPA has not been clear on what the requirements are for the Manorbrook ditch. Item #3 is open, a letter is coming from Kathy Bender according to Mr. Bishop. Item #4, this is part of #2 and is still open. Items #5 and #6, are still open. Item #7 is part of #2 & #3 and is still open.

Mr. Arthur, resident at 200 Fox Lane, stated when the ditch along their property was excavated, there seems to have been alot more dirt excavated than was necessary. Engineer stated this is something they will look at, they will determine what is necessary to make sure the bank will be stabilized and the erosion control measures will work.

In the punch list for acceptance for dedication, Item #1, will be done on Thursday, 8-20-94. Item #2, remove stone drive off of Rte 306, this item is open. Mr. Bishop stated this area is stable and they have someone interested in purchasing the land and what they would like to do is hold off on this until they know what the future land owner wants to do with the property. Item #3 is complete. Item #4, clean storm sewers & inlet basins, this item is open. Item #5, regrade, stabilize, seed and mulch embankment around

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headwalls of culverts of Manorbrook ditch, this item is open. Item #6, remove silt fences, this is still open. Item #7, Knight & Stolar sign off on landscaping, this item is open. Engineer received a report from Knight & Stolar, dated 9-19-94, which stated there is a large amount of trees that are not acceptable and must be replaced. Estimate of replacement is approximately \$29,000. Item #8, grout box culvert joints, this item is complete. Item #9, replace CB casting with an arched grating, this item is still open.

Mayor Young stated after going through these lists, it is evident that most of the items are not complete. Young asked the Solicitor where does this leave the Commission?

Markowitz stated the Commission has three options, first, an extension could be granted; second, declare a default and take the letter of credit and finish the job; or third, the Commission could wait until the end of the month and see if most of these items could be completed. The biggest problem will be getting the landscape architect to sign off at this time of the year.

Mayor stated he ^{is} very disappointed with the progress that has been made on the items discussed. He is pleased that the road is paved, but very few of the other items are complete.

Engineer stated the amount remaining in the bond is approximately \$52,600. The trees will cost \$29,000 and the remaining items will be approximately \$14,000, for a total of \$43,000. There are sufficient funds to cover the remaining work to be done.

Commission discussed the mechanics of calling a default and calling in the letter of credit.

Richard Rosner, attorney for Bishop, stated he is in agreement that alot of this work should have been completed, however he would request the Commission not call a default on the total amount. Most of the outstanding items are very small ones, except the one of the trees.

Markowitz stated he would recommend that if the Commission is considering declaring a default, that the Commission allow for a little lead time, which will allow the developer to get everything done except the trees. If in fact that does get done, then they would not have to call in the entire amount.

Following a lengthy discussion, Sutliff moved to declare a default in the performance bond second extension, dated November 5, 1993, with the proviso that the Commission will not call in the letter of credit prior to the meeting of October 6, 1994, at which time it will be determined whether or not the punch list items have been completed to the satisfaction of the Village, and call in the Letter of Credit, on or after that date but certainly before November 1, 1994, Young 2nd. Roll call, all ayes.

Markowitz stated he will send a letter informing Mr. Milstein of this action taken by the Planning Commission.

Residents asked about the installation of street lights. Bishop stated they were included in the plans however the Village has some strict regulations on placement. Another problem is getting CEI to bill the homeowner's association. This items was discussed at length.

Markowitz stated there is another issue that needs to be



CT Consultants, Inc.

August 29, 1994 *Engineers • Architects • Planners*

35000 Kaiser Court, Willoughby, Ohio 44094
Telephone 216/951-9000
FAX 216/951-7487

Mr. Jerry Bishop
536 Timberline Drive
Akron, Ohio 44333

Re: **Fox Run Subdivision**
Village of South Russell, Ohio

Dear Mr. Bishop:

As we discussed on August 25, 1994, please be advised that upon completion of the base repairs you may schedule proof rolling and top coating. However, you are advised that in the event that any further base failures occur within the maintenance period, the Village will likely require the road resurfaced rather than patched. As you are aware, this would necessitate milling off the top coat.

Attached is a revised punch list for your use. Please attend to the priority items from List "A" first. Much of the mound seeding has not germinated after what is now approaching two (2) weeks. The Village will require evidence that the area is restored. Furthermore, it has come to our attention that the erosion control of 200 Fox Lane remains your responsibility, not the property owner's. The stabilization of the slope area along the ditch, through final grading and seeding, must be attended to immediately.

Please be advised that all punch list items must be accepted before acceptance of the development by the Village. Finally, please note that additional punch list items may become evident which you will be responsible to correct.

Please call Mike Shaver at our Mentor Office (951-0033) to schedule inspection for the remaining base repairs, proof rolling, top coating and verification of punch list items. If you have any questions, please call.

Very truly yours,

CT CONSULTANTS, INC.

Thomas E. Voldrich, P.E.

:pas

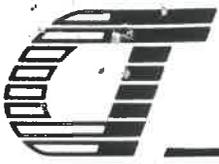
Attachment

cc: Mayor William S. Young
Dave Hocesvar, Building Inspector
Jane G. Stern, Village Clerk
Catherine Male, Planning Commission Secretary
Dale Markowitz, Village Solicitor
J. Michael Shaver, CT Consultants, Inc.
93170/94036

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August 29, 1994

35000 Kaiser Court, Willoughby, Ohio 44094

Telephone 216/951-9000

FAX 216/951-7487

FOX RUN SUBDIVISION
VILLAGE OF SOUTH RUSSELL, OHIO
PUNCH LIST INSPECTION ON AUGUST 17, 1994
By: **Thomas E. Voldrich, P.E., Village Engineer**

A. Priority Punch List Items:

1. Complete base repairs, proof roll, clean streets and top coat.
2. Written documentation from EPA on the retraction of their order to rock channel protect the Manorbrook ditch.
3. Written documentation on the acceptability of the sanitary improvements from Geauga County.
4. Clean Manorbrook ditch at the 27-inch storm outlet and install more rock channel protection.
5. Additional seed and mulch as directed on site during the inspection.
6. Additional seeding as needed in right-of-way and mound areas.
7. Erosion control improvements on 200 Fox Lane.

B. Punch list items which must be completed before acceptance for dedication are as follows:

1. Submit proposed method of repair of the concrete curb chipping.
2. Remove stone drive on State Route 306 and seed and mulch.
3. Remove stumps and debris.
4. Clean storm sewers and inlet basins.
5. Regrade/stabilize, seed and mulch embankment around headwalls of culverts of Manorbrook ditch.
6. Remove silt fences remaining in the development when ordered.
7. Knight and Stolar sign off on landscaping.
8. Grout box culvert joints.

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Fox Run Subdivision
Village of South Russell, Ohio
Punch List Inspection on August 17, 1994
August 29, 1994
Page Two

9. Replace CB casting with an arched grating.

:pas

cc: Mayor William S. Young
Dave Hocesvar, Building Inspector
Catherine Male, Planning Commission Secretary
Dale Markowitz, Village Solicitor
- Jerry Bishop, Fox Run Developer
93170

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SERVICE SINCE 1928

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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discussed. At the last meeting, Mr. Bishop presented a letter from the EPA, which turned over the responsibility for the storm discharge permits of the entire subdivision to the Homeowner's Association. Markowitz stated he spoke to the individual who wrote the letter from the EPA and he asked why this had happened. Markowitz stated the EPA received an application from GPD, Fox Run's engineer, indicating that there was an agreement between the developer and the homeowner's association, where the association is to be responsible for individual on-site discharge, for each individual lot. Markowitz stated he told the EPA he was not aware of any agreement like this and he did not know how there could be such an agreement because the Homeowner's Assoc. does not have any authority to go on an individual lot. Markowitz stated he explained to the EPA why this agreement would not work. The EPA stated they would review this request and get back to the Solicitor.

There being no further business, meeting adjourned at 7:00 P.M.

Charles M. Daniels, Jr.

 Charles M. Daniels, Jr., Chairman

Cathy Male

 Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

19

RECORD OF PROCEEDINGS

301

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held SEPTEMBER 8, 1994 19

MEMBERS PRESENT: BUTZ-VOSS, COTESWORTH, DANIELS, SUTLIFF,
YOUNG

OTHER OFFICIALS: D. MARKOWITZ, D. HOCEVAR, T. VOLDRICH

GUESTS: S. SIMON. J. BISHOP, R. MEZAK, A. MEZAK, B. PORTER

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, all members present. (Cotesworth arrived at 7:35 P.M.)

Due to the secretary's absence, Commission agreed to hold any action on the August minutes until her return.

Chairman Daniels stated Mr. Bill Porter, Snavelly Development, is before the Commission to request an extension of the performance bond on phase one of Reserve of Whitetail Subdivision. Mr. Markowitz stated he wrote Mr. Porter a letter informing him he must come and request an extension. Porter stated he would like to request a 30 day extension, weather permitting, they are trying to set up for a proof roll for early next week. Porter stated they have reseeded the areas that needed it, they will be planting trees in the temporary cul de sac and he thinks everything else is in pretty good shape.

Voldrich stated there are a number of things that need to be addressed, some unresolved old issues as well as some new issues. There is an erosion control problem on the retention ponds, some rip-rap needs to be installed. The road needs to be milled down, there needs to be a 1 inch relief before the final coat can be put down, there needs to be a sign stating there is a barricade ahead and no thru road and there is a guard rail that needs to be installed. Porter stated the guard rail was installed today.

Voldrich stated there is one other significant issue and that is the ditch coming down the main street. Porter stated they have had discussions with the homeowners about piping that ditch and their engineers are currently working on a plan which would change the pipe size to a 30 inch pipe from a 24 inch pipe and then close the ditch. Porter stated Voldrich should hear very soon about the hydrologic calculations in order to proceed. Voldrich stated there are two options they can take in order to control the erosion, one is to enclose the ditch or rock channelling it all the way up the hill. One of these two have to be done. Village Engineer stated he would recommend that Planning Commission require the developer to enclose the entire ditch. Porter stated he is unhappy that this situation was not seen sooner, they want very much to get the road dedicated. Porter stated they are working with the homeowners to correct this situation however it seems that as they are completing items, either the EPA or the Village Engineer finds more items that need to be corrected. Markowitz stated the Village does not create the problems, the Engineer and EPA just highlight the problems and it is up the Village to make sure they are corrected.

Held

19

Following a brief discussion, Sutliff made a motion to extend the performance bond for 30 days, until October 6th, and maintain the letter of credit, Cotesworth 2nd. Roll call, all ayes.

MR. JERRY BISHOP, MINOR SUBDIVISION APPLICATION, stated the first item he would like to discuss with the Commission is their request for a lot split of the property north of the BP station. Bishop stated he sent a plat to Tom Voldrich and Dale Markowitz. They have made all the changes they requested and he would like to get an approval on the revised plat.

Markowitz stated he has not reviewed the revision and he has been informed that Village Engineer has not seen the revised plat. Bishop presented the revised plat for review. Commission, Solicitor and Engineer reviewed plat. Engineer and Solicitor stated the revised plat contained their requested changes. Solicitor stated the only other item he had requested was the title commitment and had that been provided? Bishop stated he thinks Mr. Milstein had ordered it, however he has not seen it. Following a brief discussion, Cotesworth moved to approve the minor subdivision application of Mr. Jerry Bishop contingent upon receiving a title commitment policy, Butz-Voss 2nd. Roll call, all ayes. *acceptable to the Solicitor*

MR. JERRY BISHOP, FOX RUN SUBDIVISION, stated he is before the Commission to discuss the most recent punch list from the Village Engineer dated August 29, 1994.

1. Complete base repairs, proof roll, clean streets and top coat. Bishop stated 98% of the base repairs have been made, the proof roll will be done tomorrow and the street is scheduled to be paved on Saturday. Voldrich responded by stating there are three problems; first, the availability of an inspector for a Saturday, on such short notice; second, the proof roll can not be done tomorrow unless Bishop can get the fabric down and third, there must be a decision made on the curbs, there are at least a half dozen curbs that have been damaged and a decision has to be made whether they can be patched or replaced prior to the final coat being installed. Commission stated they wanted to make sure every inch of curb would be inspected during the proof roll. Engineer stated they would have an inspector there and Dave Hocevar stated he would also be there.

Mayor asked Mr. Bishop if it were correct that he is asking the residents of Fox Run to park their cars in the parking lot of Gurney School and not drive on the road for Saturday and Sunday, if paving does take place? Mr. Bishop stated he intends to ask that however he has not contacted all residents as of this time, Bishop is waiting to see if the paving will be taking place. Residents attending the meeting stated tonight was the first time they had heard of this plan and they are annoyed to be finding out at such a late date.

Held

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Mr. Greg Stricker, first resident of Fox Run, asked what was the status of getting street lights in this subdivision? Mr. Bishop stated he met with CEI and they said it was not possible because they would not bill an association. Markowitz stated CEI has since retracted that statement and if there is a desire to have street lights, the homeowner association needs to contact CEI. The Village also has certain requirements that need to be met with the placement of the lights.

Stricker stated he might be willing to do something like not drive on the street for two days, if they can get some type of commitment from Mr. Bishop on streets lights which were promised to be put in at the time he purchased the lot. Commission discussed further the problem of installing street lights at this time.

Sutliff asked if Bishop got permission from Chagrin Falls School District allowing the residents to park in Gurney's lot? Bishop stated he does not have permission. Commission stated he needs to get this permission. Bishop stated he would call the school district.

2. Written documentation from EPA on the retraction of their order to rock channel protect the Manorbrook ditch.

Hocevar stated he spoke with EPA regarding the letter sent, Hocevar has not seen a copy as of this date. Hocevar stated he has a verbal commitment from the EPA that the rip rap is not necessary however in talking with John Snyder and after looking at the site again, he stated he is not sure that rip rap should not in fact be required to protect the Manorbrook ditch. Hocevar stated he does not feel this item has been resolved at this time.

3. Written documentation on the acceptability of the sanitary improvements from Geauga County.

Voldrich stated he has not seen this documentation.

4. Clean Manorbrook ditch at the 27-inch storm outlet and install more rock channel protection

Voldrich stated this is 50% completed. Hocevar stated the contractor installed it in the wrong place today and he has to re-install it. Hocevar stated he has a verbal commitment from Hamilton that he will take care of it.

5. Additional seed and mulch as directed on site during the inspection

Voldrich stated this is just a general statement and might not go on until next spring.

6. Additional seeding as needed in right-of-way and mound areas.

Voldrich stated this has not been completed.

7. Erosion control improvements on 200 Fox Lane.

This item has not been completed. Hocevar stated as of today, after talking with the EPA, the seeding that has been done is totally unacceptable and it is Mr. Bishop's responsibility to correct this situation. Mr. Bishop stated he has a letter from the EPA which he feels releases him from the responsibility of fulfilling the EPA requirements. Following review of the letter from EPA, Markowitz stated he does not feel this letter releases Mr. Bishop from his responsibilities of fulfilling the EPA requirements.

Held

19

Chairman Daniels asked where this left the Commission and the action that needs to be taken. Markowitz stated the only thing that is before the Commission is the request to extend the performance bond and the letter of credit. All the punch list items and issues are really between the Village Engineer and the Village Building Inspector and the developer. The Commission could decide to take the action of not granting any more extensions and call in the letter of credit and have the Village complete all remaining items. Or an extension could be granted or no action could be taken and let it sit for one more month because the letter of credit does not expire until November 1st.

Mayor stated the letter of credit is currently for approximately \$52,000. Mayor asked if all items could be completed for this amount? Voldrich stated yes it could be done. Commission discussed the fact that this weekend might provide the perfect time to pave, due to the weather predictions and they are concerned if they miss this opportunity, they might miss the best time to pave. Voldrich stated he feels the road should pass the proof roll tests and agreed this might be a good time to pave. Commission discussed the need for good inspectors to be there if paving is to be done this Saturday.

Mayor stated because of the nature of this problem and the dates of the bonds, they could schedule a special meeting to just discuss Fox Run. Commission discussed dates and agreed to meet September 19, 1994 at 7:00 P.M. to review the progress of Fox Run.

Voldrich stated he would review what is to happen over the next couple of days. Voldrich stated on Friday, the proof roll will be at 10:00 a.m., they will then clean the road, lay any needed fabric, his office will review the curb repair scheme and if it is acceptable, he will let Bishop know. Markowitz stated he would suggest Bishop contact his bank now and get an amendment to the letter of credit which will extend it until January 15, 1995.

Commission stated they would meet again on the 19th and again review the need to call the Fox Run performance bond.

Mr. Roger Mezak, Ann's Child Center, stated he is before the Commission requesting development review for the proposed child care center, the application and plan were filed with the Building Dept. on September 1, 1994.

Mr. Mezak stated he was before the Commission last month and since that time he has made certain changes on the plans presented in August. First, they cut the size of the building by 10%; second, added more detail to the architectural design; third, changed the windows to all double hung and added a door; fourth, decreased the number of parking space, providing for more green space; and fifth, made the drive going in 20 feet wide and the plan shows the drive going out 14 feet, this will be changed to 20 feet. Mr. Mezak stated he hopes to break ground in March, build in the spring and summer and landscape in the fall. Mr. Mezak stated he is currently getting information on the availability of water.

Sutliff suggested the Police Chief review the plan to determine any potential traffic problems that this center might cause, at the current location. Commission agreed this should be done.

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

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Mayor stated he is concerned with the traffic entering the child care facility and the possibility of there being a lot of congestion at the entrance. Markowitz stated that Mr. Mezak will be required to apply for a street opening permit from the state because Rte. 306 is a state highway. In the case with Heinen's, the state required them to widen the road, and he would suggest that District 12 office be contacted to see if there would be any similar requirements, i.e. widening the road, etc. Markowitz stated it is important for the Village to find this out, prior to approving the plan.

Mr. Markowitz stated Mr. Mezak is before the Commission requesting development approval and what the Commission must decide is first, does a day care facility fit within the B-2 district and second, if it does, do they comply with all the developmental regulations that the Code requires.

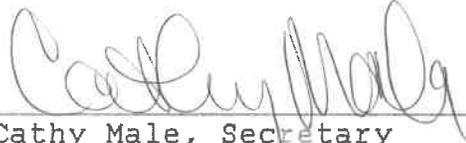
Markowitz asked what would his plans for the building be if in fact the day care facility was not successful? Mr. Mezak stated the building will be built so it is very sound and could probably be used for any other use in the B-2 district.

Markowitz stated the other point he needs to make is if this will have a nursery school as part of the program, a variance will be required. Markowitz stated the Code does not permit nursery schools in the B-2 district and if a nursery school is part of the child care center, they will have to apply for a variance.

Markowitz stated Mr. Mezak needs to come back with proof of sufficient water, with a review of the traffic by the Village Police Chief and plans showing the changes as discussed.

There being no further business, meeting adjourned at 10:00 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

AUGUST 4, 1994

19

MEMBERS PRESENT: Butz-Voss, Cotesworth, Daniels, Young

OTHER OFFICIALS: D. Hocevar, T. Voldrich, D. Markowitz

GUESTS: W. Porter, Snavely Development; A. & D. Taussig, 493 East Washington; S. Simon, Emerald Lake Development; J. Bishop, Fox Run Development; A. & R. Mezak, Anne's Day Care

Chairman Daniels called the Public Hearing to order at 7:30 P.M. to hear the Subdivision Rules variance request of Snavely Development Co., for the proposed Reserve of Whitetail, Phase II. Secretary read public notice which was published in the Geauga edition of the Cleveland Plain Dealer on July 5, 1994.

Chairman Daniels stated Snavely is requesting three different variances from the Subdivision Rules and anyone wishing to speak at the Public Hearing must be sworn-in. Solicitor Markowitz swore in those wishing to speak.

Mr. Bill Porter, Snavely Development Co., stated he is before the Commission requesting three similar variances as to what was granted to Phase I of the Reserve of Whitetail. Porter stated the first variance is for a section of Doe Court which needs relief from the improvement standards by allowing the section to slope away from the pavement. This was granted in phase one which allowed them to install a culvert under the road and extend beyond the right of way with head walls outside of the right of way. Mr. Porter stated this would be very similar to what was installed on Woodland Court.

Mayor asked the Village Engineer and Village Building Inspector if they had any objections or suggestions to the previous variances which were granted in phase one? Dave Hocevar stated he wants to make a recommendation that no occupancy permits be allowed until everything is in and approved except for the final wear course of asphalt.

There being no further questions or discussion, Public Hearing adjourned at 7:41 P.M.

Regular meeting was called to order at 7:42 by Chairman Daniels.

Roll call, Sutliff absent.

Butz-Voss stated she supported what Dave Hocevar requested. Hocevar stated he just wants to make sure they don't get into winter and have to chase developers around to make sure all right of ways are seeded and protected.

Markowitz stated this variance has been granted to Fox Run, Emerald Lake II and Reserve of Whitetail I. Markowitz stated since the granting of these variances, the Supreme Court has made a ruling which basically stated that when the offer of dedication occurs, and the plat is approved, even though the Village has not accepted it for dedication, it

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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becomes a public road and the developer has a right to rely on that. Markowitz stated his concern is that the Supreme Court did not think this through as to what it could be for liability for the Village. Markowitz stated he feels there could be certain risks and potential exposure for the Village. Basically what the Court is stating is just because it is not accepted for dedication, the Court still feels it is a public road. In other words, a dirt road can be offered for dedication and the Court would consider it a public road.

Markowitz stated he has never been a fan of granting occupancy permits prior to accepting the roads for dedication. It is his opinion that there are a number of issues which arise. First, do the people who move into the home know that the road is not accepted and there will be no snow plowing and mail may not be delivered; and second, do they know there is not Village control for speeding or traffic considerations. Markowitz stated he does not feel that occupancy should be allowed until the Village is satisfied the road is completed, even with the final wear course being installed.

Following lengthy discussion, Young moved to approve the first variance request, allowing modification of the improvement standards for Doe Court, Butz-Voss 2nd. Roll call, all ayes.

Young moved to approve the second variance allowing for the construction of two model homes prior to the installation of paving and curbing improvement within the right of way, contingent upon submitting a mud bond of \$5,000, Cotesworth 2nd. Roll call, all ayes.

Butz-Voss moved to ~~disapprove~~^{deny} the third variance requesting the issuance of zoning, building and occupancy permits prior to final wear course and landscaping being installed, Young 2nd. Roll call, all ayes.

Mr. Porter stated they would like to grant a four month extension to the Village on taking action on their Final Plat Application for Reserve of Whitetail II. Mr. Porter stated realistically they will not be starting the second phase until spring of '95. The Code states that within 60 days of the final plat approval, they must post the bonds and they will not be in the position to do this. Therefore, they would like the Planning Commission to hold off on taking action on their application until January. Following a brief discussion, Porter stated he would grant the Commission an extension for the next four regularly scheduled Planning Commission meetings.

Chairman Daniels asked for any additions or corrections to the July minutes. Daniels and Markowitz made three typographical corrections. There being no further corrections, Cotesworth moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

Amy & Dan Taussig, 493 East Washington, presented a plan and application for a minor lot split. Mrs. Taussig explained they want to take the home and one acre and split it out of the 13.6 acre parcel. Commission reviewed the plat and application.

Mrs. Taussig explained they would be selling the home and one acre with the intention of possibly building a home of their own on the remaining property.

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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Following a brief discussion, Butz-Voss moved to approve the minor lot split contingent upon the applicant submitting the title commitment to the Village Solicitor for his review and approval and upon the Village Engineer's final approval of the plat, Young 2nd. Roll call, all ayes.

Mr. Sid Simon, Emerald Lake II, stated he is before the Commission to request a one year extension of the performance bond for four spur roads, Buttonbush, Teaberry, Woodrush and Bellflower, until August 15, 1995 and on Alderwood Trail until August 1, 1995.

In addition, Mr. Simon requested the letter of credit be extended until September of 1995.

Following a brief discussion, Cotesworth moved to approve the extension of the performance bond for Alderwood Trail until August 1, 1995, to approve the extension of the performance bond until August 15, 1995 for Buttonbush, Teaberry, Woodrush and Bellflower with the Letter of Credit securing the bond for the spur roads being extended until November 15, 1995, Young 2nd. Roll call, all ayes.

Mr. Jerry Bishop, Fox Run, stated he would like to notify the Planning Commission of Mr. Milstein's intention to split the remaining lot of commercial property, located directly north of the BP station, into two, one acre lots. Bishop stated they will be filing a formal application for the next meeting in September. Bishop stated Mr. Mezak will be presenting an informal presentation of his plan of building a child care facility on one of the one acre lots. Mr. Bishop stated they do not want to go ahead with the lot split unless the Planning Commission can give some positive response on the proposed child care plan.

Mr. Roger Mezak, Ann's Child Center, stated he is before the Commission on an informal basis to present a plan to build a child care facility on a one acre parcel, north of the BP station, on property currently owned by Mr. Milstein.

Mr. Mezak presented a preliminary plan, showing architectural drawings of the proposed building and how it would lay out on the lot. Mr. Mezak stated there would be a total of 5376 square feet in the building which would allow, according to State regulations, 102 to 117 children maximum occupancy. Mr. Mezak stated his wife currently runs a facility in Bainbridge and this facility would be their 2nd center.

Commission discussed layout of the building, number of potential employees, parking, landscaping and age and number of children.

Mayor stated he is very concerned about the proposed location on Rte. 306 and the many safety issues involved, including the traffic on Rte. 306, which is ever increasing, and the potential noise factor for those surrounding residential homes. Mayor stated he is not in favor of the current design of the building, he does not find it aesthetically pleasing, and suggested some revision be made. Mr. Mezak stated this was not the final plan, there are some items he feels need to be changed.

Markowitz stated he feels prior to the Commission making any determination on whether the child care facility can be granted as a permitted use, he will review their permit and see exactly what they are permitted to do under the State regulations. Commission agreed and asked Mr. Mezak to send

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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a copy of his permit to the Village Solicitor for his review.

Mr. Mezak stated he will send a copy to the Village Solicitor and he would like to return to the Commission next month with a completed application for development review and hopefully address all the concerns of the Commission as discussed this evening.

Mr. Jerry Bishop, Fox Run Subdivision, stated he is before the Commission to request a one year extension on his performance bond. Markowitz stated the performance bond expired August 1, 1994 and the letter of credit expires on November 1st, and the bond is in the amount of \$52,200.70. Voldrich stated this amount is adequate, the cost estimates for the base repairs and punch list items, which include the top coat, are estimated to be in the amount of 30,000 to 35,000.

Bishop stated Mr. Milstein has let the contract to do all the road repair and as of Monday, the entire area along the road is seeded. Bishop stated there are areas that need to be re-seeded due to the flooding of the road which they plan to do next week. Voldrich instructed Mr. Bishop that the catch basin screens have to be regularly serviced, cleaned out, in order to prevent the flooding that has already occurred several times. Every time it rains these basins have to be cleaned out. Bishop stated the mounds will be seeded and should be done within three days, if the weather cooperates. They have not decided if they are going to seal the road and wait to put on the final coat or just go ahead and put the final coat on now. Voldrich stated he would not approve putting on the final coat at this time.

Mr. Bishop stated they have had to replace 23 trees, all of which have been replaced except for 7 trees.

Mr. Bishop stated he feels if the weather cooperates, all the remaining items needed to be completed and corrected will be done within two weeks.

Mayor Young stated they have heard of alot of things that were going to be done at Fox Run and most of them have taken alot longer than what was originally promised. Frankly, Mayor stated he is very disappointed with Mr. Bishop's performance. Young stated he is inclined to not extend the bond and have the Village complete the work needed to finish the development and be done with it. There are currently three families living in this development, there has been hardship for those families created by the mere fact of Mr. Bishop not doing his job and completing those things he promises to complete. It also has created alot of excess work for the Village. Mayor stated they have a road that needs to be fixed and the development completed.

Mr. Milstein stated he is confident that if the weather is good, the remaining items on the punch list will be completed within the next two weeks.

Mayor Young stated he is not sure what should be done. Markowitz stated the letter of credit is good until November and he would suggest the Commission wait until the next meeting to act on the extension request of Mr. Bishop. Markowitz stated this would give Mr. Bishop more than the two weeks he feels he needs to complete all the items and then the Commission can look at the situation and make a decision on the bond extension. Mr. Milstein stated this was agreeable to him.

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DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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Commission discussed and agreed to hold their next meeting not on September 1st but on September 8th.

Dave Hocevar stated he had a couple of items to bring up before Mr. Bishop leaves. Hocevar stated yesterday Bishop's contractor stated the catch basin fabric would all be changed and as of right now, it has not been changed and that is why the street is currently flooded. Second, he has been told there is not enough seed in the hydro-seed that has been put down and he would suggest Mr. Bishop check with his landscaper to be sure it will not have to be done again. Mr. Bishop stated he would have that checked tomorrow.

Mr. Bishop stated he would be back before the Commission on September 8, 1994 at 7:30 P.M.

Markowitz stated he has handed out information on relevant zoning cases and asked the members to review so they can discuss at the next meeting.

There being no further business, meeting adjourned at 10:15 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

19

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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at S/L #8, 516 Woodland Court and is 1.88' over the maximum allowable height of 33 feet. Mr. Graham stated one of the reasons for the height of this home is the site is a sloping site which adds approximately 1'4" to the height. Other reasons for the height are a 13 course basement, roof pitches of 9/12 and 10 foot ceilings on the first floor. Graham presented elevations of the proposed home for the Commission's review. Dave Hocevar stated he did not see any problems with this proposed plan and explained the way the home is situated on the cul de sac lot, this really does not pose a problem to him.

Commission reviewed the Code and height regulations.

Commission reviewed proposed plan and following brief discussion, Sutliff moved to approve the development review application of Snavely Building Co., allowing a proposed home to be built on S/L #8, 516 Woodland Court with a height of 34.88 feet, Butz-Voss 2nd. Roll call, all ayes.

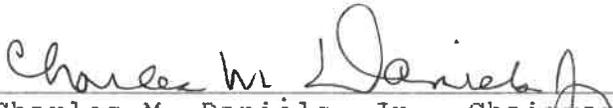
Mr. Bill Porter, Snavely Development stated he is before the Commission for the Final Plat of Reserve of Whitetail II. Mr. Porter stated they still have some legal and financial issues not completed and they would like to grant an extension to the Planning Commission and ask that they not take action on their application until the next meeting in August. Commission agreed and stated they would act on the application in August.

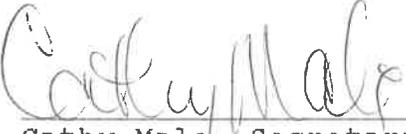
Mr. Markowitz stated he would like to update the Commission on Fox Run - their performance bond expires on August 1st and he has written to them and made them aware they need to request an extension. As of this date, Markowitz stated he has not heard from anyone. Mayor stated the Council asked the Building Inspector to notify Bishop, because he had not complied with the conditions of the variances granted, they would not be issuing any permits or doing any inspections until the variance conditions had been met. The Building Inspector stated his office is having a tremendous amount of trouble with the developer of Fox Run and he does not know what can be done, but the development is a disaster.

Markowitz stated the Planning Commission has the option of calling in the bond on August 1st if the work is not completed. Commission asked Markowitz to write another letter, with stronger language, stating unless the work is completed by August 1st, the bond will be called.

Dave Hocevar stated he also spoke to Mr. Bishop regarding the commercial piece of property north of the BP station. Hocevar stated Bishop wants to split the piece of property into two, one acre lots. One would be for the Child care facility and the other would be requested to be rezoned to a B-1 use. Mayor stated he feels they might have a serious safety problem with the location of the lot for the child care facility, where it sits on Rte. 306, the traffic will be very heavy in the morning as well as in the evening and last thing the Village wants is a dangerous situation where children are involved.

There being no further business, meeting adjourned at 9:15 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JUNE 9, 1994

19

MEMBERS PRESENT: YOUNG, SUTLIFF, DANIELS

OTHER OFFICIALS: D. ONDREY, T. VOLDRICH, D. HOCEVAR

GUESTS: R. BRENNAN, B. PORTER, J. BISHOP

Meeting was called to order by Charles Daniels, Chairman, at 7:30 P.M. Roll call, Butz-Voss and Cotesworth were absent.

Daniels asked for additions and corrections to the May minutes. Daniels stated on page 284, 2nd paragraph, the word "straighten" should be "straightened". Ondrey stated in the 4th paragraph, "at the developers cost" should be added to the end of the sentence; and in the last paragraph, 8th line, following the word "plat" should be added "to the satisfaction of the Village Engineer". There being no further additions or corrections, Young moved to approved the May minutes as amended, Sutliff 2nd. Roll call, all ayes.

Mr. Robert Brennan stated he is before the Commission requesting permission to split the parcel of land located at 5253 Chillicothe into three lots. Mr. Brennan presented the application and plat for the Commission's review. The lots will be 2.13 acres, 2.14 acres and 4.5 acres. Mr. Brennan stated he is planning on eventually fixing up the century home that will be located on the 4.5 acres.

Mayor Young asked if the property is located in a restricted ground water zone. Village Engineer stated is was not located in a restricted zone. Mr. Brennan stated they have three sewer tie-ins already approved by the County.

Mr. Ondrey stated Mr. Markowitz has reviewed the plat and his requested changes appear to have been made.

Following review Sutliff moved to approve the Minor Subdivision Plat contingent upon receiving a title commitment showing title in Mr. Brennan's name and verifying there are no mortgages, Young 2nd. Roll call, all ayes.

Mr. Bill Porter, Snavely Building Co., stated he is before the Commission to seek approval on the final plat for Reserve of Whitetail Run II, however they have not been able to get all the necessary information to the Village Engineer and the Village Solicitor. Therefore, he would like to grant an extension to the Planning Commission, allowing them to take additional time on acting on the the final plat application, until the July meeting.

The secretary stated that Snavely has filed a subdivision variance application and the Commission has to set a Public Hearing date. Following brief discussion, Commission agreed to set the next meeting date for July 14, 1994 and hold the public hearing on that date.

Jerry Bishop stated he is before the Commission to ask what the Commission would think if the property north of the BP station

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were to be used for a child care facility. Bishop stated it is the same center that is currently being run in Bainbridge and they have been successful.

Solicitor Ondrey stated child care is not a permitted use for that piece of property but the Planning Commission could interpret the Code and consider a day care center as a personal service. Currently the Code does not have day care centers in any of the permitted uses.

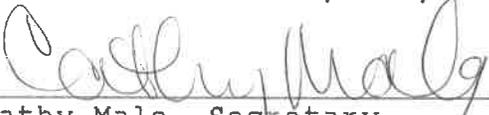
Mr. Bishop stated he feels this use would have several benefits, only day time use, no activity at night, no lights, which would benefit Fox Run residents. Commission discussed briefly and stated they had no objections to the concept and feel it could be a good use of the property.

Dave Hovevar stated he feels this would be a good use for this piece of property. Mayor Young stated one area that will need to be carefully designed is the traffic pattern for getting in and out, especially with the heavy traffic currently on Rte. 306.

Mr. Bishop thanked the Commission and stated he would be back with a formal plan and application.

There being no further business, meeting adjourned at 8:35 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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Village Engineer, Tom Voldrich, stated there are five development review applications before the Commission, S/L #25, S/L #26, S/L #6, S/L #47 and S/L #52 Emerald Lake II. Mr. Voldrich stated two of the plans are approved by his office and three have to be revised and resubmitted, however he wanted the Planning Commission to look at them.

Voldrich stated the main reason his office has only approved the site plan for two of the five homes is because of a discrepancy they have found in bench marks, they want to make absolutely sure they know what is going on as far as elevations and setting finished floors and they don't want to approve anything until they get the bench marks straighten away. In order to do this, they must make sure there is consistent as-built information available for the builder.

Engineer explained they are seeing adjacent lots with discrepancies in elevations of some common points, one builder is using a certain rim casting, calling it a certain elevation while another builder is using the same rim casting and calling it another elevation, sometimes having up to a 48 inch discrepancy. Voldrich stated we have to make sure the builders are using as-built information as opposed to design elevations, which can not be used because it may not be built as designed.

Following a lengthy discussion, it was agreed that Northcoast will go out and shoot bench marks that all builders will be able to use.

Sheldon Miller, S & S Realty, presented development review applications for S/L # 25 and S/L #26, Emerald Lake II. Engineer stated these plans do not have pins shown on the plat and the erosion control plan is not shown. Commission had no objection to the placement of the home on the envelope. Following a brief discussion, Young moved to conditionally approve the development review applications based on the establishment of consistent bench marks to be determined by developer and engineer, pins must be shown, the erosion control plan must be shown on plan as noted by C. T. Consultants, Cotesworth 2nd. Roll call, all ayes.

Sidney Simon, representing D. & S. Builders, presented development review applications for S/L #6, S/L #47 and S/L #52, Emerald Lake II. Commission reviewed the plan for S/L #6. Engineer stated this plan is very similar to the two plans just reviewed for S & S Realty, pins must be shown, and erosion control must be shown. Following further discussion, Cotesworth moved to conditionally approve the development review application contingent upon the as-built reference point determination being made and resubmit elevation plan to Village Engineer, upon test tee grade stakes being located, upon the height of home being changed so as not to exceed 30 feet, and upon erosion control plan being shown on plan, Young 2nd. Roll call, all ayes.

On the Development Review Plan S/L # 47, Emerald Lake II the Commission reviewed the plan and application. Following lengthy review Cotesworth moved to conditionally approve this plan contingent upon the as-built reference point determination being made and resubmit the elevation plan to the Village Engineer, upon test tee grade stakes being located, upon the erosion control plan being shown on the plan and upon designating and receiving the Engineer's approval on the drain outlet from the sump pump in the basement, Young 2nd. Roll call, all ayes.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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On Development Review Application on S/l #52, Emerald Lake II, the Commission reviewed the plan and application. Following a lengthy discussion, Cotesworth moved to approve the application conditioned upon showing the footer drain and indicate the down spout and footing drain outlet and get approval of the Village Engineer, upon showing the erosion control plan, upon moving the house to the correct set back line, upon indicating the front step location, upon indicating grade stakes set to finish grade, upon the roof height not exceeding 30 feet and upon the elevation reference points being consistently set, Young 2nd. Roll call, all ayes.

Bill Sanderson, Reserve of Whitetail, presenting Final Plat for phase II, stated he is filing the final plat application for phase II. Commission reviewed plan and application. Drainage plan was discussed. Engineer stated the improvement plans are currently being reviewed by his office.

Sanderson stated they will be submitting a variance application requesting similar variances to those granted for phase I. The application will be for a variance allowing construction of home prior to completion of improvements, for occupancy prior to dedication, and for increasing the slope of the right-of-way at the crossing of Doe Court and the stream. Sanderson stated the application and deposit will be submitted within the next week or so.

Solicitor suggested that Snavelly, Snavelly's engineer, Village Solicitor and Village Engineer meet and review the application and plat prior to the next meeting. All parties agreed.

Commission discussed the need for signage and reflectors on the temporary cul de sac of the inter-connect between Emerald Lake and Reserve of Whitetail.

Mr. Sid Simon, Emerald Lake II, stated he would like to request an extension on the performance bond for Buttonbush, Teaberry Circle, Bellflower and Woodrush. Markowitz stated the bond for these roads is up May 15, 1994 and the letter of credit expires November 15, 1994. Following brief discussion, Cotesworth moved to extend the performance bond for Buttonbush Circle, Teaberry Circle, Bellflower Circle and Woodrush Circle from May 15, 1994 to August 15, 1994, Young 2nd. Roll call, all ayes.

Mr. Simon stated he would like the Planning Commission to review the requirement for development review for all envelopes in Emerald Lake II. Mr. Simon stated he would like the Commission to eliminate this requirement because he thinks it can all be handled through the Village Engineer's office and the Village Building Dept.

Mayor Young asked the Village Engineer and Zoning Inspector if they were in support of this request. Mr. Voldrich and Mr. Hocevar stated they did not have a problem with this request.

Solicitor stated there is a zoning code requirement that the Planning Commission must review all proposed homes in Emerald Lake II for development review. If this requirement is eliminated, the Planning Commission must specifically say in the motion made, all remaining envelopes are conditionally approved subject to review of the site plan and grade plan by the Village Engineer and Building Dept. Commission discussed briefly. Following this brief

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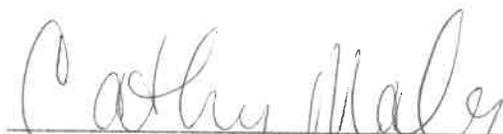
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discussion, Cotesworth moved for all remaining envelopes in Emerald Lake Subdivision II, which have not yet received developmental review approval, that the Planning Commission delegate to the Zoning Inspector and the Village Engineer the authority to review and grant developmental review approval for all homes to be constructed on each envelope and to review for compliance with the Zoning Code and the grading requirements of the Village for each envelope and in the event that they can not agree on an approval or if there are any concerns, the plan can be referred back to the Planning Commission for final determination and if submitted to the Planning Commission a fee will be charged, Sutliff 2nd. Roll call, all ayes.

Simon reported there are some areas on the main road that have given away and he feels it is because the top coat has not been applied and water is getting in and creating soft spots in the road. Village Engineer stated he is not in agreement with Mr. Simon as to the cause of the break-up of the road and his office will be doing some investigation as to why the road is failing and will report back at the next meeting.

There being no further business, meeting adjourned at 10:05 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

Planning Commission Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

April 20, 1994

19

MEMBERS PRESENT: BUTZ-VOSS, COTESWORTH, DANIELS, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: M. MURPHY, S. MILLER, S. SIMON, T. ZARATSIAN, M. FISHER, P. O'NEIL, N. Hoovler

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, all members were present.

Chairman Daniels asked for any additions or corrections to the March minutes. Sutliff stated on the first page, fourth paragraph, "Kathy Lee" should be corrected to "Kathy Bender". Markowitz stated on pg 266, 2nd paragraph, sixth line, the following should be added, "Mr. O'Neil asked" following "service"; on page 269, fifth line, the word "travel" should be "travelled"; page 271, fifth paragraph, second line, "he if" should be changed to "if he"; in last paragraph, the first sentence should read "Markowitz stated he would like to inform the Commission he is still waiting for the letter of credit securing the extension of the performance bond for Whitetail". There being no further corrections, Sutliff moved to approve the March minutes as amended, Cotesworth 2nd. Roll call, all ayes.

Chairman Daniels stated there are five development review applications for new homes proposed for Emerald Lake II. The first application, Mark Murphy, S/L #17, 113 Arrow Wood Trail. Commission reviewed the plan. Village Engineer stated he has approved the grading plan. Following brief discussion, Sutliff moved to approve the development review application for S/L#7, 113 Arrow Wood Trail, Butz-Voss 2nd. Roll call, all ayes.

The second application, Sheldon Miller, S/L #23, 145 Woodrush. Commission reviewed the application and discussed. Village Engineer, Tom Voldrich, stated the plans presented do not have the notations that were made at his office regarding the driveway. Voldrich stated originally the house was designed with the drive way on top of the inlet basin and what they have requested is to have a manhole replace the inlet basin. In addition, Voldrich stated he would like to recommend a concrete apron be installed instead of asphalt. Following brief discussion, Cotesworth moved to approve the development review application conditioned upon the Engineers comments made tonight and marked on the plans, Sutliff 2nd. Roll call, all ayes.

The third application, David Simon, D. S. Builders, Inc., S/L #50, 160 Sundew Lane. Commission reviewed the development review application. Village Engineer stated these plans have been approved by their office. Following brief review and discussion, Cotesworth moved to approve the development review application as presented, Butz-Voss 2nd. Roll call, all ayes.

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Emerald Lakes Development, S/L#1, 101 Alderwood Trail, presented development review application and plan for a proposed home. Commission reviewed the plan and application. Village Engineer stated his office had approved this plan. Following brief discussion, Butz-Voss moved to approve the development review application as presented, Cotesworth 2nd. Roll call, all ayes.

Emerald Lakes Development, S/L #2, 103 Alderwood Trail, presented development review application and plan for a proposed home. Commission reviewed the plan and application. Village Engineer stated his office had approved this plan. Following brief discussion, Butz-Voss moved to approve the development review application as presented, Sutliff 2nd. Roll call, all ayes.

Mr. Richard Rosner, attorney for Sid Simon, Emerald Lake II, stated he is before the Commission requesting Final Plat approval for Emerald Lake III. Rosner stated there has been alot of paper work involved with this subdivision. The title for this subdivision site is in the name of R. E. Services, Trustee, pursuant to the escrow agreement. There is a deed that has been signed by R. E. Services to Emerald Lakes Development, Inc. that is being held by Midland Title. In addition, there is an agreement which is called a partial termination of the escrow agreement, it has been signed by R. E. Services and by Emerald Lakes and is being held by the Village until the developer complies with all of the requirements. Rosner stated there is a deed that conveys two of the spur roads, Arrow Wood Circle and Sundew Lane, to the Homeowners Association. The Commission needs to give lot split approval on these two spur roads. Rosner stated they have a letter of credit in the amount of \$166,000 that has been issued by Park View Federal on behalf of Emerald Lakes to secure the subdivision improvements. In addition they have a performance bond given by Caren Paving, the paving contractor, in the amount of \$40,000. They also have a bank check, drawn on Trans Ohio, in the amount of \$9,010.00 by the landscape company. Last, a performance bond is being put up by Insana Construction who is going to be doing the excavation of the road, manholes, catch basins, etc. in the amount of \$60,000. The insurance has been posted with the Village. There is an amendment to the Master Declaration which has been submitted, which brings the sublots into the Master Declaration. The title commitment has been updated by Midland Title and a \$5,000 inspection fee has been paid to the Village for inspection work. The performance bonds have been written and hopefully will be signed by Mr. Simon on Monday.

Commission reviewed the Final Plat as presented. Daniels asked what was resolved with the barricade design. Village Engineer stated he is working with Mr. Hoovler on a design that would be acceptable to both developer and Village. Voldrich stated they are working on some form of a split rail fence design with sufficient signage and reflectors for safety. Commission discussed the size and design of the fence.

Village Engineer Voldrich reported that the radius of the cul de sac shown on the Final Plat has a 50 foot radius and it should be 60 feet. Commission, Engineer and Solicitor discussed the cul de sac design at great length. Concerns were discussed on the utility easements, their placement and size as well as the construction of the cul de sac itself. Commission stated they had great concern regarding the curbs running through the cul de sac and not around it. Commission stated their concern regarding the

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ability of the Service Dept. being able to plow the cul de sac as designed as well as the plan for drainage. Mayor Young contacted Wally May, Street Commissioner, at home to ask him his opinion of this cul de sac design. Young reported that Mr. May was not in favor of this current design.

Following further discussion, Commission agreed to allow the cul de sac to be put in as a temporary turn around and then when the Village vacates the temporary turn around, the utility easements can be installed within the normal 10 foot area outside the standard 60 foot right-of-way.

Following a lengthy discussion, Sutliff moved to approve the Final Plat for Emerald Lake III conditioned upon the following items:

1. Peter B. Corporation (Peter Insana) provide a Performance Bond in the amount of \$60,000.00 running in favor of the Developer and the Village and the delivery of a Performance Bond in the amount of \$60,893.68 from Carron Asphalt Paving Company, Inc. running in favor of the Village of South Russell and the Developer.

2. Delivery of a check to the Village from Mike Suglia in the amount of \$9,620.00 to be deposited by the Village as part of the Performance Bond requirement.

3. The Developer deposit \$5,000.00 in inspection fees and pay all review fees owed to the Village.

4. The final plat be revised to provide for a temporary turn around which is to be vacated upon interconnection of Manorbrook Drive in the Emerald Lakes Subdivision No. III and The Reserve of Whitetail Subdivision and upon adoption of an Ordinance by the Village of South Russell recognizing the interconnection having taken place and authorizing the vacating of the temporary turn around and allowing the utility easements within the normal 10 foot area outside the standard 60 foot right-of-way once the temporary turn around is vacated.

5. The installation of a traffic barrier at the end of Manorbrook Drive in Emerald Lakes Subdivision No. III be acceptable to the Village Engineer and the radius of the cul-de-sac and the layout of the cul-de-sac as set forth in the final plat and improvement plans be acceptable to the Village Engineer.

6. The issuance of a Title Guaranty in the amount of \$1,000.00 for the benefit of the Village of South Russell indicating that Manorbrook Drive within Emerald Lakes Subdivision No. III is free and clear of all liens and encumbrances in a manner and form satisfactory to the Solicitor.

7. R.E. services, Inc., Trustee, convey to Emerald Lakes Development, Inc. Block B, aka Emerald Lakes Subdivision No. III except for Sublot No. 72 which is owned by Emerald Lakes II Community Association, Inc.

8. Emerald Lakes I Community Association, Inc. convey to Emerald Lakes Development, Inc. the portion of Sublot No. 72 presently a part of Block A which lot split was approved by the Planning Commission on February 10, 1994

9. The Developer file Amendment No. 2 to the Declaration of Covenants, Conditions and Restrictions dated April 7, 1994 which shall be recorded as hereinafter set

Held

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forth.

10. Execute and record the partial Termination of Escrow Agreement to be executed by the Mayor and Clerk of the Village of South Russell.

11. The Developer convey Arrow Wood and Sundew spur roads in Emerald lakes Subdivision No. II to the Emerald Lakes II Community Association, Inc. so long as the same have been accepted by the Village Engineer as being completed in accordance with the Subdivision Rules and Improvement Standards and Zoning code for the Village of South Russell.

12 The Developer maintain his present insurance policy for the benefit of the Village until such time as Manor Brook Drive is accepted for dedication by the Village.

13. The Developer, upon acceptance of dedication of Manorbrook Drive shall provide a Maintenance Bond to the Village to cover the cost of the removal of the barrier at the end of Manorbrook Drive, its northern terminus, and for repair of Manorbrook Drive and for the elimination of the pavement in the portions of the temporary turn around which are to be vacated upon dedication of Manorbrook Drive and further said Maintenance Bond shall provide for the cost of the borrow pit and sedimentation pond maintenance, restoration, stabilization and erosion and siltation control measures during the term of the Maintenance Bond.

14. The order of recording of documents shall be in a manner acceptable to the Village Solicitor which shall require the documents to be filed in the following order, unless otherwise directed by the Village Solicitor:

a. Partial Termination of Agreement among the Village, Emerald Lakes Development, Inc. and R. E. Services, Inc., Trustee

b. Deed from R. E. Services, Inc., Trustee, to Emerald Lakes Development, Inc. reconveying Emerald Lakes Subdivision No. 3 except for Sublot No. 72

c. Limited Warranty Deed from Emerald Lakes II Community Association, Inc. to Emerald Lakes Development, Inc. conveying Sublot No. 72.

d. Warranty Deed from Emerald Lakes Development, Inc. to Emerald Lakes II Community Association, Inc. conveying Arrow Wood Circle and Sundew Lanes.

e. Mortgage from Emerald Lakes Development, Inc. to Park View Federal Savings Bank.

f. Recording of the final plat of Emerald Lakes Subdivision No. III.

15. The Village Solicitor shall withhold his signature from the final plat until all of the conditions and requirements set forth in this Motion have been satisfied in the opinion of the Solicitor.

16. The Planning Commission hereby makes a finding pursuant to Zoning Code Section 4.02(G)(8) that Emerald Lake Subdivision No. III plat is in accordance with such

RECORD OF PROCEEDINGS

Minutes of

Meeting

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Held _____ 19____

provisions and is hereby deemed acceptable to the Planning Commission.

Motion was 2nd by Young. Roll call, all ayes.

Following brief discussion, Sutliff moved approve the lot split of Arrow Wood Circle and Sundew Lane contingent upon verification of the legal description by the Village Solicitor, Cotesworth 2nd. Roll call, all ayes.

Joe Franzese and Dave Cameron presented application for development review for a proposed deck addition to the front of Hunan's restaurant. Mr. Cameron explained what they would like to provide for their customer is a place to stand, have a beverage and wait for their table. This would only be able to be used during the warm weather months.

Commission reviewed the plan presented and discussed. Mr. Franzese stated there would be some form of screening from the parking lot. There would be no serving or taking orders out on the deck, it would merely be a place for a patron to wait for a table.

Solicitor stated there would need to be variances granted for this request on parking and front and side yard set back.

Commission discussed plan as presented at length. Following this discussion, Sutliff moved to approve the development review application of Hunan's contingent upon the necessary variances being granted, Butz-Voss 2nd. Roll call, ayes - Butz-Voss, Sutliff, Daniels; nays - Young and Cotesworth.

Dave Hocesvar stated he needed a clarification on the fees to be charged for the development review applications for Emerald Lake subdivision. Should the \$250.00 fee cover just one set of house plans, all the house plans for one builder or all the plans presented at one meeting? Following brief discussion, Commission stated the fee should be \$250.00 per builder, per meeting and the builder can submit as many plans as he wishes.

There being no further business, meeting adjourned at 10:45 P.M.

Charles M. Daniels
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

MARCH 3, 1994

19

MEMBERS PRESENT: DANIELS, BUTZ-VOSS, YOUNG AND SUTLIF

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: K. BENDER, Z. LEE, P. O'NEILL, G. BROCKETT, J. SINGER

Meeting was called to order by Chairman Daniels at 7:30 P.M. Roll call, Cotesworth was absent.

Daniels asked for additions or corrections to the February minutes. Daniels stated in the third line on page 254, the words "of the road" should follow the word "course". In the second paragraph, same page, seventh line, third word should be changed from "of" to "to" and in the eleventh line, "Subdivision II" should be changed to "Subdivision III". There being no further additions, Butz-Voss moved to approve the February 10, 1994 minutes as amended, Young 2nd. Roll call, all ayes.

Mayor Young stated they have at the meeting tonight representatives from the Geauga County Sanitary Engineers Office, Zane Lee and Kathy Bender. Young stated that Council had discussed the need to get some information on the the current status of the sanitary sewers and the systems available, will there be expansion of the McFarland system, what kind of impact that might have on the Village, how many inter-connects that might yet be available, etc. Consequently, they have invited Kathy Bender and Zane Lee to come to tonight's Planning Commission meeting to discuss the current situation.

Kathy Bender presented a map of the Village showing what areas are sewerred, what areas are not and what areas are planned and approved for future sewers.

Zane Lee stated he would like the Village to understand that the Commissioners are very committed to serving whatever the people want. Therefore, it is very important, if the Village has feelings on what they want to have done, it needs to be made known officially to the Commissioners. This would pertain to the need for more sewer tie-ins as well as the need to protect the local zoning.

Lee stated there has been some confusion on the moritorium that was placed on the McFarland system. The reason it was put on was they have commitments to certain areas, that if all of them came in the way they are planned, it would fill up the plant. At the rate that McFarland Creek is currently being filled up, it will take seven to ten years for it to actually reach capacity. Because of this, the Commissioners have granted almost all requests for variances from the moritorium.

Lee stated the current Board of Commissioners have instructed him to not make alot of decisions. In the past, Lee stated his office did alot of the planning and decision making in their department and then took it to the Commissioners. This Board of Commissioners has decided they want to be part of the decision making process, so they want the problems to be brought to them and then they will make

Held

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the decisions. That then leaves Lee's office free to implement whatever they decide. Lee stated this has worked very well, his department is very good at implementing the decisions made.

Lee stated what he would recommend to the Village is when they have an idea where they want sewer service, let the Commissioners know by letter. Mayor stated he is not sure the Village will do that, it is more the developers who will determine what tie-ins are desired.

Paul O'Neill, resident, asked what effect will the expansion of the system have on the current users. Lee stated the people that are already online are locked in, they already own their share of the treatment system. If someone else comes on line, they have to pay the entire capital cost of bringing their sewage into the system. Mr. O'Neill asked, will the expansion in any way effect the charges for our service? Lee stated adding any new customers will not really effect the cost of the service to existing customers, the only thing it does is help keep the cost stable, not going up. The new customers will have to pay their share of the current capitol costs and their share of the maintenance. Lee stated there is alot of pressure from the EPA to increase the amount of treatment and increase the amount of testing. The EPA has required them in the past to put in 1.4 million dollars worth of capital improvements, which did not increase their capacity.

Paul O'Neill stated there is a sewer easement behind his property in Southwyck that in the last five years, has twice backed-up where raw sewage has flowed out. O'Neill stated this has caused great concern as far as the effect on the water table, due to the fact the whole area in on wells. The overflow came from two different manholes. O'Neill stated as soon as they contacted the sanitary engineers office,,they came out immediately and fixed the problem. Mr. O'Neill stated their concern is, if this problem was caused because the system is getting close to capacity, should there be additional tie-ins. Lee stated this problem is not caused by the lines being overloaded, it usually caused by something that has gotten into the line and caused a blockage.

Mr. Lee stated the current tap-in fee for sewers in the McFarland Creek District is \$4,700. Mr. Simon, developer, stated when he started out 5 or 6 years ago building homes, the cost was much less, why has it gone up so much even though the treatment plant is in and established. Mr. Lee explained the tap-in fee amount is what it will cost the County to expand McFarland Creek. In other words it will cost the County \$4,700 per unit to expand McFarland Creek at the present time. The tap-in fee will stay at what it will cost to expand McFarland Creek.

Mayor Young asked what control does the EPA exercise over your department. Mr. Lee stated total control, everything they do has to be in compliance with EPA regulations and the Federal Clean Water Act and this is not cheap. What ever they decide to mandate, the County must comply and they have the administrative power to levy fines if compliance is not met.

Mr. Lee stated there is currently room in McFarland Creek for about 1,000 additional units. Right now, they are getting less than 100 units per year.

DAYTON LEGAL BLANK CO., FORM NO. 10148

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Another source they have for sewage is the Chagrin system. Mr. Lee stated they own 22% of the Chagrin Falls system and currently are only using 10 or 12% of that 22%. Mr. Lee stated he would like to use up that extra 10% and it is his feeling the homes in the Chagrin Hts. area should tie-in to the Chagrin system.

Sutliff asked who decides whether an area will get sewers? Lee answered the Commissioners decide.

Mr. Sutliff asked if the Commissioners had any plans to sewer the east end of the Village? Lee stated they have no plans for that at this time. Lee stated if and when the Village wants that to be done, they must let the County know.

Commission thanked Zane Lee and Kathy Bender for attending the Planning Commission Meeting and thanked them for their time and for the information given.

Mr. Gary Brockett, Kensington Green Homeowners Association, stated he was before the Commission back in December regarding a proposed lighting project. This proposal went onto Council and they were given a resolution that has had a second reading as of today. Kensington Green Homeowners Assoc. is meeting on March 10th and they would like to be able to report on where this proposed project stands. Mr. Brockett stated he has several questions to ask the Commission so he can in turn report back to the Association.

Mr. Brockett asked if other developments will have to comply with the same restrictions that Kensington Green is having to comply. Markowitz stated anybody who comes in and requests to put in street lights, the Village will require the exact same process to be followed. Mr. Markowitz stated he has spoken to Dave Hocevar, BI, about surveying the whole Village. If any current developments have already put something in without the Village's approval, they will be notified that if the lighting is to remain, they will have to enter into an agreement similar to that of what Kensington Green is being required to do.

Mr. Brockett stated he spent the weekend taking pictures and notes on all the developments that have lights in the rights-of-way. Mr. Brockett stated if lights are a concern in the median strips, what about trees, poles, rocks - do these fall within the guidelines of street lights. He has looked around the area and found all of these and what he would like to know is what is it that the cities of Beechwood, Shaker Hts, Euclid, etc. do not know that the Village of South Russell knows - why is the Village of South Russell not allowing these structures when other communities are still putting them in?

Markowitz stated the Village has not focused on this issue until two things happened, one, there was Supreme Court of Ohio case a couple of years ago which changed the thinking on this all together, it is the first time they considered the median strip to be the travelled portion of the roadway. The legal significance of this is the municipality, county or township has liability for obstructions that are in the expected travelled portion of the roadway. The second thing that has happened, he was involved with a subdivision in Bainbridge Township which has a median strip and in dealing with the project engineer and county engineer, he learned there is criteria from the State for break-away features on trees, signs and landscaping and things of this nature. Mr. Brockett stated he tried to do research on this new

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legislation and could not find the case which Mr. Markowitz is referring. Markowitz stated he would send him this information.

Markowitz explained that the State legislature has a statute that states if the Village allows or creates a nuisance to occur in the travel portion of the roadway they are liable if any damage is done.

Mr. Brockett asked if lights in the median are OK, what they have submitted is a plan for two gas lamps, eight feet high. Mayor Young stated the Commission, as he recalls, recommended approval to illuminate the entrance sign "Kensington Green", as well as the installation of lights on the inside diameter of the circle but they were not approving any illumination in the median strip.

Mr. Sutliff asked what the resolution that is before Council states and what is being required. Mr. Brockett stated to sum up the major points, first, Association must maintain the lighting in good condition; second, the association must agree to indemnify the Village from any and all claims, suits and causes. Mr. Brockett stated he finds these two items fair, but what he find questionable, is a philosophy of equity, if there are eleven other developments that have the same potential to the Village, then why are the 105 homes in Kensington Green being singled out? Mr. Brockett stated the residents of Kensington Green want to know if they are being treated fairly and is there equity? Mr. Brockett stated there are several developments that have poles, lights and signs in the right-of-way, at the entrance. Why has this not been a problem for them?

Markowitz stated what he is advising the Commission, and he wants to make perfectly clear, he is not saying it is the type of lighting that is being objected to in the median, because they are allowing gas lighting in the circle of Kensington Green. What they are saying is anything in the median; the median being a grassy area between two travelled, paved and improved roadways, that can cause a dangerous condition can not be allowed. These items could be light poles, rocks, etc. Markowitz stated the Village will have to go to each subdivision that has some structure in the right of way, and tell them that if they want to keep the structures there, they will have to provide the Village with the same protection as is being requested of Kensington Green.

Mayor Young stated he wanted to put an end to this discussion and explained the Building Inspector will inspect the eleven subdivision areas which Mr. Brockett has identified, he will also do an independent study in case any have been missed and each one will be dealt with on an individual basis and there will be equity in the Village.

Mr. Sid Simon, Emerald Lake III, stated he is before the Commission requesting action on his final plat application for Emerald Lake III. Mr. Simon stated there are some unresolved issues that he would like to discuss.

Mr. Simon asked why has he been required to put in a cul de sac at the end of the inter-connect, in phase III. Mr. Simon presented a plan for a barricade at the end of the inter-connect. Commission informed Mr. Simon that the cul-de-sac will be required for snow plows and school bus turn-around. Commission discussed the different designs of proposed barricades. Mayor Young stated whatever the design, it must be something not easily moved. Mr. Simon

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stated he would talk to his fence guy and see what he can come up with. Mr. Voldrich stated whatever the design, it will have to comply with the requirements of the street and safety committees.

Mr. Simon stated one of the biggest issues that needs to be discussed is setting the amount of the performance bond for phase III.

Mr. Simon stated he has bids for the jobs to be done and these contractors are bondable. Simon stated the Village Engineer has set the amount at \$220,000 and he has contracts that are bondable that estimate the job will cost \$150,000 which will include the barricade and everything else. Mr. Simon stated he doesn't agree with the Village Engineer's amount.

Mr. Markowitz stated the Village cannot base bond amounts on contracts because the contracts are with Mr. Simon and not the Village. The Village bases the bond amounts on what the Village Engineer's estimate is of what he reasonably anticipates it would cost the Village to go out and get the job done, if in fact the developer can not complete the job. This issue was discussed at great length.

Mayor Young asked what the difference was between the Engineer's amounts and Mr. Simon's amounts. Engineer stated there is \$27,000 difference in the cost of the dirt, \$10,000 difference in borrow pit restoration and \$10,000 difference in cost of the cul de sac.

Following lengthy discussion, Mr. Simon stated he feels his numbers are correct and if he wants to put up a bond to guarantee the job being completed, he is right. He is guaranteeing the job will be done and done right and he feels he is being harassed. He will not go for what the Engineer is recommending.

Mayor Young stated if this is the case, he makes a motion that the application for Final Plat approval for phase III, Emerald Lake be disapproved and let Mr. Simon and the Engineer meet and try and work things out.

Markowitz stated the improvement plans for Phase III have not been finally approved and the bond has not been posted, therefor the Planning Commission cannot approve the final plat. However, due to the statute regarding the amount of time the Commission has to take action, the Commission needs to take some action unless the applicant requests an extension.

Markowitz stated the issues that are still open and that need to be resolved are the legal descriptions that are incorrect on the envelopes and spur roads need to be corrected, termination agreement needs to be signed, completion date and amount of bond needs to be established, Planning Commission needs to make a determination that those lots can be developed under Section 4.02 G8 of the Code, improvement plans for the cul de sac and barricade need to be presented for an approval and final plat must be revised to include the cul de sac.

Chairman Daniels asked the developer if he would like to request an extension to the Planning Commission on taking action? Mr. Simon stated he would like to request an extension to the next meeting. Mayor Young withdrew his motion for denial.

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Planning Commission agreed to hold their next meeting on Thursday, April 14, 1994 due to Spring Break and not having a quorum for the regular meeting on Thursday, April 7, 1994.

Mr. Dave Cameron, Hunan's Restaurant, stated what they are currently faced with are patrons that are waiting for a table at their restaurant want to go outside with a beverage during the summer. What he would like to do is provide a location for their patrons to do this. What they would like to propose is to take the area right outside the front of the building, to the west, and build a deck and put up a wrought iron fence which would then essentially provide the restaurant with a small waiting area. Mr. Cameron stated the liquor control department stated they would be able to do this because it is a small area with only one access. They are before the Commission on an informal basis to get their input. Mr. Cameron stated they will not be serving at all in this area, it is just a matter of permitting people to take a beverage outside to wait for their table. There will be no tables, just a couple of benches.

Commission discussed the design of this area. Building Inspector Hocesvar stated he asked Mr. Cameron to come to P/C for informal discussion and their input.

Commission discussed their concern on patrons drinking in front of the restaurant, out in the open and what effect that will have, especially as viewed by the youth.

Daniels stated he feels strongly that the screening used should be sufficient enough so the patrons can not be easily seen from the road.

Mayor Young stated what Mr. Cameron is asking permission to do is build a deck on the front of the building to provide an area for patrons to wait for a table.

Markowitz stated there are two concerns with this request. First, this will add seating to the restaurant, increasing the required number of parking spaces so a variance will be needed because they are already short of parking. Second, this is a structure that will be going onto the front of the building and does not appear to be able to meet the side and front yard requirements and this will require another variance.

Mr. Cameron stated the structure is already there, they are just adding a deck on top. Markowitz stated as defined in the Code, this would be considered a structure.

Commission suggested Mr. Cameron file a formal development review application with a plan showing exactly what is being requested. At that time, Planning Commission will review it and if variances are needed, it will sent on to the ZBA. If the variances are granted, it will be sent back to Planning Commission for their action.

Markowitz stated that from his informal review of what is being requested, he sees the possibility of the need for two variances. One for parking and one for side yard set back.

Mr. Cameron stated he would see the Commission at the next meeting.

Markowitz stated he would like to inform the Commission he is still waiting for the letter of credit securing the extension of the performance bond for Whitetail. He will contact Rosner to follow up.

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Dave Hocevar stated he received a call from Mr. Gary Warner interested in putting in an ATM machine at 551 E. Washington. It would be a free standing kiosk, located in the parking lot. Markowitz stated the only use permitted by Code in this area is residential and medical. This is not a use that is allowed by the Code. They could always request a variance.

There being no further business, meeting adjourned at 10:50 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

FEBRUARY 10, 1994

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MEMBERS PRESENT: DANIELS, SUTLIFF, COTESWORTH, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: R. ROSNER, T. VIOLANTE, W. SANDERSON

Chairman Daniels called the meeting to order at 7:30 P.M.
Roll call, Butz-Voss was absent.

Mayor Young stated he would like to announce that Marilyn Cotesworth has been appointed for another 6 year term on the Planning Commission and it has been approved by Council. Mayor Young swore in Mrs. Cotesworth for the next term.

Chairman Daniels asked for any additions or corrections to the January minutes. Mr. Markowitz made two spelling corrections. There being no further corrections, Sutliff moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

BI Dave Hocevar reported that MR. TOM VIOLANTE, VIOLANTE'S RESTAURANT, 512 E. WASHINGTON, has installed some guard rail separating his property from the property to the east, Hunan's Restaurant. Mr. Hocevar stated Planning Commission is required to review and take action on this plan in order to get a zoning permit. Commission questioned the height of the guard rail and of what material it was made. Mr. Violante stated it was less than two feet tall and made of the regular guard rail material. Mr. Violante stated this plan was the resolution to the problem of Hunan's patrons parking in the Violante's parking lot. Violante stated both sides have agreed to this and for the first time the two sides are getting along. Mr. Violante stated he still has a parking attendant on the weekends, but things seem to be working out better. Mr. Markowitz stated because it is less than three feet tall, it is not considered a fence, therefore, it does not have to comply with the side and front yard setbacks. Mr. Violante stated it is approximately two feet tall. Following further discussion, Young moved to approve the guard rail for development review, contingent upon Mr. Violante filing an application requesting development review approval, Sutliff 2nd. Roll call, all ayes.

Mr. Violante asked if he would have to comply with the new sign ordinance due to the fact that his current sign received a variance back in 1979 for placement. Markowitz reviewed the minutes and application for variance. Mr. Hocevar stated he is questioning what Mr. Violante has to do to comply with the new sign ordinance. Following review, Markowitz stated as he interprets the current language of the sign ordinance re: non-coforming use, is it appears the language would allow the current Violante sign to continue to exist, as a result of the 1979 variance.

BILL SANDERSON, SNAVELY DEVELOPMENT, RESERVE OF WHITETAIL, stated he is before the Commission to request an extension on the letter of credit, securing the public improvements for the Reserve of Whitetail subdivision, phase I. Mr.

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on the road
Sanderson stated they have been asked by the Village and have agreed to delay the application of the final wear course until spring of 1994. Sanderson stated they need to now request a six month extension on the letter of credit. Village Engineer Voldrich stated he had no problem with this request. Following a brief discussion, Young moved to approve a 6 month extension, to September 1, 1994 for the performance bond and to November 1, 1994 for the letter of credit, Sutliff 2nd. Roll call, all ayes.

RICHARD ROSNER, ATTORNEY FOR EMERALD LAKES III, stated he is representing Sid Simon and before the Commission requesting final plat approval for Emerald Lake III, the inter-connect road and eleven lots. Rosner stated he has sent to the Village Solicitor copies of the proposed performance bond, pledge agreements, termination of the escrow agreement, which title the phase III site is in the name of R. E. Services, Trustee, also a deed from R. E. Services, Trustee back to Emerald Lakes. In addition, they are requesting a lot split because a portion of Block A is being platted as part of Subdivision III. Mr. Rosner stated they do not have an amount for the performance bond, there has been an engineer's estimate submitted however the Village Engineer has some exceptions to it.

Village Engineer Voldrich stated the only thing they have not approved up to this point is the engineer's estimate. Voldrich stated his estimate is almost twice the developer's construction cost estimate, based on a number of issues. Voldrich stated their estimated construction cost is \$110,000 and ours is approximately \$220,000. Voldrich stated there is a wide range of potential costs involved which he has to consider and he feels this contributes to the wide range in estimates.

Voldrich stated the only other item that needs to be addressed is the renewal of the storm water discharge permit, which will expire April 26th.

Markowitz asked if these estimates included costs for barricading and removing the barricade at the end of the inter-connect. Voldrich stated his did not, however there are some contingencies that would pick-up certain things like this.

Markowitz stated there are some open issues and some things the Planning Commission needs to understand prior to taking any action on the Final Plat Application for Phase III. In phase II, there are still some outstanding issues that will affect phase III. The County has informed Mr. Markowitz that they will not accept phase III until the issues of phase II are resolved. Those issues include; 1) the need for Sorrelwood and Sun Dew Lane to be conveyed to the Association; 2) S/L #72, which was part of Block A (the common area owned by the Association) needs to be conveyed back to the developer, who would then sell the lot as part of the development of Phase III, this will require a lot split; 3) Phase II plat needs to be amended showing the changes in Block C. Other items that need to be resolved as far as the Village is concerned is the bond amount has to be determined by the Village Engineer; need to determine a completion date; the Planning Commission needs to make a finding under 4.02 G 8 of the Zoning Code, that due to topography and high tension wire, these lots can be developed even though the lots are less than one acre in size. Markowitz stated he has reviewed the title commitment and it is acceptable; the performance bond and pledge agreement need to be executed, with a couple minor changes.

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Markowitz stated improvement plans have been approved, the bond amount just has to be set. Markowitz stated the Village Engineer needs to look at the improvement plans with respect to the barricade, because in the agreement, the interconnect is suppose to be able to handle emergency access and pedestrian traffic. Commission discussed what type of barricade would be constructed. Commission stated they do want to know what it will look like prior to granting approval. Commission discussed this issue at length.

Following further discussion, Markowitz summarized the conditions for final plat approval to be as follows; 1) conveyance of Sundew Lane and Sorrellwood to the Association, 2) area of Block A, consisting of subplot #72 would be conveyed from the Association to the Developer, 3) amendment of subdivision #2 plat as it relates to block C, to be subject to the review and approval by South Russell Village and the County Auditor, 4) title policy needs to be issued in the amount of \$1,000, should refer to Manorbrook Drive being conveyed free and clear, except for those items scheduled in the commitment that has been issued, 5) the completion date on the improvements has to be established, 6) the bond amount should be set at \$220,000, 7) must provide authority for the Mayor and Clerk to sign the escrow agreement, subject to the Solicitor's review and approval, 8) Planning Commission needs to make a finding that Subdivision #3 can be developed under Section 4.02 G 8, 9) the insurance needs to remain in effect until dedication of the roads, 10) the performance bond certificate and pledge agreement need to be in a form acceptable to the Solicitor in the amounts previously set, 11) improvement plans for the barricade at the end of Manorbrook be accepted as well as plans for removal of barricade, has to have the requirement that we retain money to pay for the removal in the performance bond or in the event we accept for dedication, the maintenance bond shall provide for payment of the barricade removal.

Mayor asked if there would be a need for a cul de sac at the end of Manorbrook Drive, at the end of Simon's property? Engineer stated they required one for the Snavely property, but there is not one for the Simon side. Following brief discussion, it was agreed that there should be a temporary cul de sac required due to the need of snow plows to turn around, as well as cars and school buses. Commission asked the Engineer to look into this potential need and report back at the next meeting.

Markowitz stated it is his opinion that the Commission should not approve this final plat before them tonight, there are too many issues that are unresolved. Commission agreed and asked Mr. Rosner if he would be willing to request an extension of time which would give the Commission until the March meeting to resolve alot of the issues discussed and take action. Mr. Rosner agreed.

Mr. Rosner asked if the Commission would consider acting on the lot split, as discussed earlier in the meeting. Following brief discussion, Sutliff moved to approve the lot split which will take a portion of Block A and create Sublot #72, Cotesworth 2nd. Roll call, all ayes.

Dave Hocevar, Building Inspector, stated there are two envelopes, #3 and #4, in Emerald Lakes II, that are up for development review. The grading plans have been reviewed and approved. Commission reviewed plans as presented. Following brief discussion, Sutliff moved to approve for

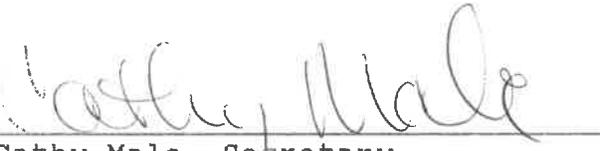
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development review envelopes #3 and #4, Cotesworth 2nd. Roll call, all ayes.

There being no further business, meeting adjourned at 9:35 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

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PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held JANUARY 6, 1994 19

MEMBERS PRESENT: Butz-Voss, Cotesworth, Daniels, Sutliff and Young

OTHER OFFICIALS: D. Hocevar, D. Markowitz, T. Voldrich

GUESTS: G. Brockett, J. Singer, S. Simon, N. Hoovler

Meeting was called to order by Chairman Daniels. Roll call, all ayes.

Chairman Daniels asked for any additions or corrections to the December minutes. Solicitor Markowitz made several typographical corrections in addition to adding language to the seventh paragraph, second page, third line from the bottom, following "letter of credit", add " extended to November 1, 1994". There being no further corrections, Butz-Voss moved to approve the December minutes as amended, Sutliff 2nd. Roll call, all ayes.

Gary Brockett, 28 Annandale, Kensington Green, stated he is before the Commission to further discuss the installation of lights over the street signs as well as lights at the entrance and in the median strip. Mr. Brockett stated it is their Homeowners Association's desire to provide this additional lighting for safety reasons, to provide better lighting so that any emergency equipment that is needed can better see the street signs and get to the homes more quickly. Mr. Brockett stated they are not interested in street lights, in the commercial sense, they are just looking for additional lighting for their signs. Mr. Brockett submitted a drawing showing the placement of the lights. The plan showed lights being placed at the entrance, lighting the entrance sign, gas lights placed on 10 foot polls, placed in the median as well as at the entrance of each street with the street sign hanging from the post.

Commission reviewed the plan as presented. Commission discussed safety issues, i.e. if the lights are hit or vandalized, would the gas have an automatic shut-off? Mr. Brockett stated no it would not.

Solicitor Markowitz stated if the Village allowed the installation of these lights, there would not be need for franchising, however if they are put in the right-of-way, it would be his advise that the Village should be named as an additional insured on the Homeowner's Association policy.

Markowitz stated he is most concerned with the lamp posts that are in the median strip. The median strip is considered the travel portion of the road and the lights could be a liability. Markowitz stated there have been cases in the last five years that have found the city or village, that has allowed structures to be put up in median strips, can and will be held liable if there are any injuries due to these structures.

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Commission discussed these concerns at length. Village Engineer stated he spoke with their transportation department and they did not have any knowledge of the cases which Mr. Markowitz spoke of, however he will go back and make sure they understand the issues that need to be reviewed.

Commission agreed not to take any action until the Village Engineer and Solicitor can review the issues of liability and placement of the lighting fixtures.

Solicitor stated as far as getting permission to put in the lighting at the entrance, they still need to go back before Council, Planning Commission can only give a recommendation.

Following further discussion, Planning Commission agreed to have the Engineer and Solicitor come back at the next meeting with additional information regarding the street light issue.

NORM HOOVLER, GUTOSKEY AND ASSOCIATES, EMERALD LAKES III, stated he is before the Commission with plans for the interconnect road and eleven lots. Sutliff asked if the problem with the existing manholes had been taken care of, had they been reset? Mr. Hoovler stated they have done field locations on them and the manholes will have to be raised, in some cases as high as three feet.

Commission reviewed the plan as presented. Village Engineer stated he will check to see where the County is as far as giving an approval on the sanitary sewer.

Village Engineer stated regarding the houses on the south side of the road, the plans show embankment all the way to the set back line, and then a drop-off along the side of the houses. In reviewing the improvements plan, he wondered if this was the way they actually anticipated doing the grading. If it is, the builder will have to have some ability to get on the adjacent property to do the necessary grading. Mr. Simon stated he did not intend to do the plan as drawn because it will mean he would have to clear the entire lot. Mr. Voldrich stated he just wants the Planning Commission to know what is drawn is not what the final product will look like. Mr. Simon stated each of these lots will have a grading plan of their own, to be reviewed by the Village Engineer's office. Sutliff asked why the plan can not be changed to show something closer to what actually will be done? Mr. Simon stated until they know what house is going to be built on what lot, they do not know how the lot will be graded. Mr. Simon stated they have done the improvement plans, showing how the grading will approximately be done and then based on the design of the house they want to build, they will resubmit revised grading plans for that specific home.

Mr. Simon asked if they would be able to request height variances on the envelopes and/or lots. Commission stated the homes on the envelopes may not be granted any height variances, as stated in the new height regulations.

Mr. Simon presented architectural drawings of homes that they are considering building in their development, some of which are taller than the 30 foot maximum. Commission stated the homes taller than the 30 foot maximum can not be built in this development.

Mr. Simon questioned the Commission whether he needs to get development approval for each envelope in order to get the

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DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

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zoning and building permit. Commission explained the process to Mr. Simon, first he needs to submit the plot plan and grading plan to the building dept. for their review and to be sent on to the Village Engineer. From there, the plans are sent on to the Planning Commission for development review. Mr. Simon stated he would really like to eliminate the step of going before the Planning Commission for development review, this process is very long and he would like to shorten it. Commission stated they established the code requirement for development review approval in response to the request of the residents who were concerned with the placement of the homes along the Country Estates border. Commission stated the development review process is part of the ordinance and they are responsible to uphold the ordinance as it is written.

Mayor Young stated he feels that the record should be straightened out as far as the wording "Emerald Lake" and "Emerald Lakes", it seems these terms are used interchangeably and is this going to cause a problem down the road. Markowitz stated he didn't feel this would cause any problems but the plats should be checked and noted for the correct name.

Mayor Young stated he has appointed Marilyn Cotesworth for another six year term on the Planning Commission, which she has accepted.

There being no further business, meeting adjourned at 9:45 P.M.

Charles M. Daniels, Jr.
 Charles M. Daniels, Jr., Chairman

Cathy Male
 Cathy Male, Secretary

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Held _____

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RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held DECEMBER 13, 1995 19

MEMBERS PRESENT: BUTZ-VOSS, DANIELS, COTESWORTH, SUTLIFF, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOORICH, D. HOCEVAR

GUESTS: M. ROOD, R. Fiala, S. ROOD

Meeting was called to order at 7:30 p.m. Roll call, all members were present.

There being no additions to the September 14, 1995 minutes, Sutliff moved to approve the minutes as recorded, Butz-Voss 2nd. Roll call, all ayes.

Dr. Mark Rood stated he was before the Commission to informally discuss a proposed plan for the property between the BP station and the day care facility. Dr. Rood stated his medical practice is currently located at 5302 Chillicothe Rd., next to Dr. Holtz dental office. Dr. Rood explained he has outgrown his current office facility and would like to build a medical office building on the vacant land between BP and the day care.

Dr. Rood and his architect, Robert Fiala, presented preliminary architectural drawings to the Commission. Dr. Rood stated he hopes to be taking on two additional physicians and will need the additional space the new building will provide. The new building will be approximately 5000 square feet, 3000 square feet would be used as Dr. Rood's medical office facility and 2000 square feet would be sublet and/or expansion space for Dr. Rood. Mr. Fiala stated all required setbacks can be met as well as land density requirements and they know they can provide the necessary number of parking spaces. The design of the building will be residential in character.

Solicitor Markowitz stated as far as zoning goes, the medical building application would be permitted under our B-2 district. The property is in the ground water overlay district and it is in the two acre minimum area. Even though the water study of Dr. Eckstein's states there is sufficient water for the day care facility, as well as the other commercial lot, Markowitz stated he feels it would still be necessary to have Dr. Eckstein confirm there is sufficient water for this use. Dr. Rood stated he would contact Dr. Eckstein to get his review.

Commission explained the application process for development review and stated the next meeting would be January 4, 1996 at 7:30 P.M. Dr. Rood stated he would make formal application and anticipate attending the January meeting.

There being no further business, meeting adjourned at 8:15 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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Held

SEPTEMBER 14, 1995

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MEMBERS PRESENT: DANIELS, BUTZ-VOSS, YOUNG

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: S. SIMON, T. LYNCH, L. LECHMAN

Meeting was called to order at 7:30 p.m. Roll call, Sutliff and Cotesworth were absent.

There being no additions or corrections to the August minutes, Butz-Voss moved to approve them as recorded, Young 2nd. Roll call, all ayes.

Mr. Tom Lynch, president of the Emerald Lake I Homeowners Association, stated he is before the Commission to discuss the process of putting in street lights in their development. Mr. Lynch stated the residents of Emerald Lake I have requested the installation of street lights for safety reasons as well as to try and reduce the amount of vandalism they have experienced with their new spot lights they have installed at the entrance. Mr. Lynch stated they would not install the street lights all through the development, just three or four at the entrance. Mr. Lynch stated he has spoken with CEI and found after examining the original development plans, that there were accommodations made for street lights when the development was built, however none were put in at that time. Lynch stated CEI has agreed to install the lights, service them and bill the development for the electricity.

Mr. Lynch stated he is very aware of the interest of the Village and their residents to keep the area looking as rural as possible, but still maintaining safety. Mr. Lynch stated he is asking the Commission what they need to do to get the Village to approve their plan for these street lights.

Mr. Lynch presented a preliminary plan showing the placement of the street lights. Commission reviewed and discussed.

Mr. Markowitz explained the Village has had a similar request for lights in the Kensington Green subdivision and the Village did approve their plan with certain requirements that had to be met by Kensington Green Homeowners Association. Markowitz stated the concern the Village has with street lights, because they are close to the traveled portion of the road, if someone should skid off the road, hit the light and become injured, they potentially have a claim against the Village for allowing the lights to be installed. Markowitz stated for that reason the Village will require the Homeowners Association to provide an indemnification clause, holding the Village harmless and providing the Village with insurance coverage. Emerald Lake I could do the same by having the Village added to their insurance policy as an additional insured.

Mr. Lynch asked what he needed to do in order to proceed and get the street light plan approved by the Village. Markowitz stated Mr. Lynch needed to come back to the

Held

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Village with a proposal showing the location of the proposed street lights, a copy of the agreement with CEI, and a copy of the indemnity agreement showing proof of insurance coverage. Once Planning Commission makes their recommendation, it will then be sent on to Council for their action.

MR. SID SIMON, EMERALD LAKE III. stated he is before the Commission requesting their recommendation to Council for the acceptance to dedicate Manor Brook Drive, Emerald Lake III.

Due to the potential for conflict of interest, Mayor Young nominated Sally Butz-Voss as Chairman Pro-tem, Butz-Voss 2nd. Roll call, ayes, Butz-Voss and Young, abstained-Daniels.

Village Engineer Voldrich stated there are still items left on the punch list. Specifically, there are a couple of silt fences that need to be taken down, there are six trees that need replacing, asphalt needs repair in front of subplot #70, there needs to be a new profile done on the ditch on subplot #72, and he still needs to see the County Sanitary Engineer's approval of the sewer.

Markowitz explained, as far as the sewer approval, when Snavelly put in the sewer from Alderwood to their subdivision, approval was given at that time. Markowitz stated he has spoken to Gus Saikley at the County and he confirmed that the sewers are approved and he will send a letter to the Village that will specifically state that Emerald Lake III sewer is approved.

Markowitz stated to update the list of documentation that needs to be addressed is as follows: the bonds and pledge agreements will need to be updated because they are approved and dated under the assumption of an August approval; the title commitment needs to be updated after the Commission makes their recommendation; termination of the escrow agreement needs to be signed by the Village; there needs to be language added to the dedication ordinance that states the temporary turn-around on sublots #66, #67 and #68 will revert to the abutting property owners; and there needs to be an additional deposit made by Mr. Simon.

Markowitz stated if all the items just discussed are not completed by the next Council meeting or if the Council does not dedicate, the letter of credit expires at the end of September and he does not want to draw on the letter because they run out of time. Markowitz has asked Mr. Rosner to extend the letter of credit and have it ready to go, in the event the Council does not dedicate. Mr. Simon stated he would extend it for whatever time is needed.

Eng. Voldrich stated the items left on the punch list amount to about \$5,000 worth of work yet to be done.

Butz-Voss stated if the Commission makes a recommendation to Council to accept for dedication, Mr. Simon had better have everything completed prior to going before Council. Mr. Simon stated he will have everything done and if it is not completed, he will not go before Council.

Butz-Voss stated she would be agreeable to recommend to Council to dedicate as long as all the items on the punch list are completed. Young agreed.

Held

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Following brief discussion, Butz-Voss moved to recommend to Council to dedicate Manor Brook Drive, Emerald Lake III, and all improvements in Emerald Lake III Subdivision contingent upon the following items being completed to the satisfaction of the Village by September 25, 1995:

1. Repair the road in front of subplot #70 to the satisfaction of the Village Engineer.
2. Replace the trees noted and required by Knight and Stollar by October 30, 1995 including any right of way grading and seeding and this will be covered as part of the maintenance bond.
3. Sublot #72 ditch has to be completed to the satisfaction of the Village Engineer.
4. Complete restoration of the borrow pit areas as required by the borrow pit agreement, which requires 50% of the disturbed area being restored and to comply with all terms of the borrow pit agreement.
5. Remove the silt fences prior to dedication and immediately after dedication, remove the barrier between Emerald Lake III and Reserve of Whitetail, within seven days following dedication, and it is to remain a requirement of the maintenance bond.
6. Re-execute pledge agreement and maintenance bonds for borrow pit and street, dated September 25, 1995.
7. Provide updated title commitment from Midland Title by September 25, 1995.
8. The Village will execute the total termination of the escrow agreement.
9. Make a deposit of \$5,000 to the Village for inspections and bills for legal and engineering fees.
10. Extend the current letter of credit for the performance bond in the subdivision of Emerald Lake III, for thirty days from October 1, 1995.
11. Right of way seeding is to be provided as required by the South Russell Village Engineer and made part of the maintenance bond.

Young 2nd. Roll call, ayes-Butz-Voss and Young, abstained-Daniels.

There being no further business, meeting adjourned at 8:50 P.M.


Charles M. Daniels, Jr.
Chairman


Sally Butz-Voss
Chairman Pro-tem


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

Meeting



National Graphics Corp., Cols., O. Form No. 1097 

Held

19

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

AUGUST 10, 1995

19

MEMBERS PRESENT: W. Young, S. Butz-Voss, W. Sutliff, C. Daniels

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: J. Meyers, B. Kuenzig, A. Mezak, R. Mezak, S. Simon, G. Stanek,

Meeting was called to order by Chairman Daniels at 7:30 P. M. Roll call, Cotesworth was absent.

Chairman Daniels asked for any additions or corrections to the July minutes. Markowitz stated in the 6th paragraph, 7th line, following the word "bank" should be the added words "releasing the mortgage on the streets". In the last paragraph, on the last page, second last line, following the word "streets" should read "without waiving the 30 days" There being no further corrections, Butz-Voss moved to approve the minutes as amended, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels called the public hearing to order at 7:40P.M. Daniels asked the Secretary to read the public notice. The notice read was published by the Geauga Edition of the Plain Dealer on August 1, 1995.

Bill Kuenzig, Kay Homes, stated they are before the Commission requesting a three foot variance from the maximum height regulation, for a proposed home to be built at S/L #9, Bramble Farms II. Mr. Kuenzig stated they have run into a couple situations that has made the placement of the home very difficult. Currently there are two easements, one for an East Ohio gas transmission line and one for access to a flag lot placed behind this lot. In addition to this, there is a large area in the middle of the lot that is considered located in the 100 year flood plain. Because of the flood plain, they are unable to hold down the foundation because the finish floor elevation had to be a certain elevation above the flood plain. Kuenzig stated the topography of the lot is severe which contributes to the difficulty of building the home. Based on these hardships, Mr. Kuenzig stated he requesting permission to build the proposed home as submitted.

Joe Myers, architect for Kay Homes, stated this home also has 9 foot ceilings with a very steep roof line, all which contribute to the height of the home.

Mayor Young stated he wanted to make sure the applicant understands the importance of the siltation controls that will be requested by the Village. The Building Inspector will be vigilant enforcing the installation and maintenance of these protective measures.

Mr. Sutliff asked the Building Inspector, Dave Hocevar, what was his opinion of this request? Hocevar stated he did not have any objections to this request due to the topography and the placement of the home, actually with

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held

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a higher roof, it will help the home to blend in better.

There being no further discussion, Chairman Daniels closed the public hearing at 7:50 P.M.

Chairman Daniels called the regular meeting to order at 7:51 P.M.

Following a brief discussion, Butz-Voss moved to approve the variance request of Kay Homes for a three foot variance for a proposed home to be constructed at S/L #9, Bramble Farms II, Sutliff 2nd. Roll call, all ayes.

Markowitz stated the owner of the commercial property, of Fox Run Subdivision, located north of the BP station, would like the Commission to re-approve the original plat. Markowitz stated the original plat was approved in September of 1994. Then the developer came back saying there was a problem because of an existing water well and they needed to extend a sanitary easement in order to keep it a minimum distance from the well. The new plat was approved February, 1995. The purchaser of parcel "B", Mr. and Mrs. Mezak came back to the developer and stated they did not want the easement for the sanitary sewer so the developer now wants to go back to the original plat. Markowitz stated in reviewing the plat, he noted the storm easement was granted to Geauga County, which in fact should go to the Village. Markowitz stated the developer made these changes and he is presenting the revised plat for the developer to the Commission. Following brief discussion, Sutliff moved to approve the minor subdivision plat that is dated July 31, 1995 as amended and conditioned upon the Solicitor's receipt of satisfactory storm sewer and sanitary sewer easements to the Village, Young 2nd.

Chairman Daniels nominated Wally Sutliff to act as Chairman Pro-tem, during discussions pertaining to Emerald Lakes Development, Butz-Voss 2nd. Roll call, all ayes.

Sutliff asked Mr. Sid Simon, Emerald Lake III, to explain why he is before the Commission and what is his request. Mr. Simon stated he is before the Commission asking for their recommendation to Council, for the acceptance of dedication of Manor Brook Drive, Emerald Lake III. Mr. Simon stated they have not totally completed all items on the punch list. One item missing is a letter from the County stating their acceptance of the sanitary sewer. The second item missing are the videos of the storm sewer. The third item, the curb repairs, are not complete however they will be done within the next week or so. Markowitz stated he has the necessary bonds with the pledge agreement signed. Mr. Simon stated he feels all the items that are incomplete, will be complete by the next Council meeting and he is asking for the Commission's recommendation for acceptance of dedication of Manor Brook Drive.

Village Engineer Voldrich stated he does not have as-built drawings. Voldrich stated regarding the landscaping plan, Knight & Stollar have reported there are eight trees that need replacing and there are certain right of ways that need to be re-graded and seeded. Voldrich also stated that there needs to be corrective work done on Sublot #72 ditch, the ditch needs to be re-graded to correct ponding water.

Mayor questioned why the sanitary sewer castings were set so high? Mr. Simon stated it is his understanding that the County wanted them set that high. Village Engineer

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held _____ 19____

There being no further business, meeting adjourned at 9:00 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Walter Sutlier
Walter Sutlier,
Chairman Pro-tem

Cathy Male
Cathy Male, Secretary

Held

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Voldrich stated he did not agree, he felt they should be lowered.

Voldrich stated the height of the sewer castings is a minor issue on the list of items that must be considered prior to acceptance of dedication.

Mr. George Stanek, Southwyck Lake resident, asked if all work that is being required in the borrow pit restoration is being done and being done on the time schedule as set by the Planning Commission. Markowitz stated as far as he has been informed by the Village Engineer, yes the work has been completed on schedule. Markowitz stated the borrow pit has to be restored by September 15th with erosion controls put in place. All work will cease October 15, 1995 and no work in 1996 will be done without approval of the Planning Commission.

Mayor stated he has been to the borrow pit recently and it is his disappointment that there are several items still there that were to be removed last month. In fact, one item was actually moved from the borrow pit and stuffed into an area outside, into the CEI lines. Mr. Simon stated he has a hard time controlling dumping, he will again try and get all the debris out of the borrow pit area.

Mrs. Butz-Voss asked if sublots #71 & #72 will be re-graded to correct the ditch problem as presented by the Village Engineer? Mr. Simon stated the work has been done, the drawings were approved and he does not intend to re-grade the ditch. Mr. Voldrich stated he asked Mr. Simon to submit a finished as-built profile and he is still waiting.

Mayor Young stated he feels there are still too many items yet to be resolved before recommending to Council dedication of Manor Brook Drive, Emerald Lake III.

Mr. Simon stated he has a problem with the fact that there is a home on Manor Brook Drive that the people have to move into and due to the provisions of the building permit, he can not get occupancy until the road is dedicated. Mr. Simon stated as far as he is concerned, if he has to move them in prior to acceptance, he will do so and let the chips fall where they fall.

Markowitz stated there is one more issue that must be dealt with and that is in Phase II. Building Inspector Hocevar stated on lots #8, #9, and #10 on Alderwood Trail, there is an area of the storm sewer easement that needs to be graded. This is part of the improvement plans and still needs to be completed. Markowitz stated what was designed and submitted by Emerald Lake engineers, and subsequently approved by the Village, is not what was built for the storm sewer, outside of the right of way, that is part of the improvement plans and the overall subdivision approval for phase II. Markowitz stated this is the responsibility of the developer to comply with the improvement plans as designed by the developer. Mr. Simon stated if this is something that they have not done and it has to be done and it is in the plans, he will correct it. The only thing he does not want to be required to do, is grade a builders lot.

Mr. Sutliff stated he feels there are still too many items yet to be completed and it is his feeling that action on Mr. Simon's request should not be taken until the next meeting. The Commission agreed.

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

national graphics

National Graphics Corp., Cols., O. Form No. 1097

Held

JULY 6, 1995

19

MEMEBERS PRESENT: Cotesworth, Sutliff, Butz-Voss, Young

OTHER OFFICIALS: D. Hocevar, D. Markowitz

GUESTS: B. Porter, Snavely Building Co.,

Meeting was called to order at 7:30 P.M. Roll call, Cotesworth and Daniels absent. Cotesworth arrived 7:45 P.M.

Due to Chairman Daniels being absent, Butz-Voss moved to appoint Wally Sutliff Chairman Pro-tem, Young 2nd. Roll call, all ayes.

Sutliff asked for additions or corrections to the June 15, 1995 minutes. Markowitz stated on page 370, third paragraph, 7th line, the word "forth" should be "fourth", and five lines down from the above, 2nd word should be "completed". There being no further corrections, Butz-Voss moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

BILL PORTER, SNAVELY BUILDING CO., stated he is before the Commission requesting approval of the FINAL PLAT FOR PHASE II, RESERVE OF WHITETAIL. Markowitz stated Snavely had presented the plan last year for Phase II, Commission reviewed it but no action was taken. Markowitz stated he has reviewed the plan, requested a couple of small changes, which when he looks at the plan, sees the changes have been made. Porter stated there are 20 lots in phase II and the starred lots are lots with "stream easements"

Village Engineer stated some pins on the perimeter still need to be set.

Markowitz stated he would like to review with the Commission where Snavely stands documentation wise. Markowitz stated there was a roadway and utility easement that they had on the parcel which was 120 feet, which has been extinguished. There was a mortgage on the property that has been cancelled. There is a mortgage with Star Bank, and there needs to be signatures from the bank releasing the mortgage on the street. The title commitment has been received and accepted. The corporate resolution has been received which authorizes the submittal of the plat. The letter of credit from Star Bank has not yet been posted but the form of the letter of credit has been submitted to the Solicitor. The application and fee has been filed. The mud bond of \$5,000.00 needs to be posted prior to the beginning of any home construction.

Following further review and brief discussion Butz-Voss moved to approve the Final Plat Application of Reserve of Whitetail II contingent upon getting the signatures on the mortgage release by Star Bank, getting the approval from the EPA and County Sanitary Engineer on the sewer plant, upon the issuance of the letter of credit to secure the performance bond and upon the recording of the amendment no. two, simultaneously with the recording of the limited warranty deed conveying block "C" to the Homeowners

Held

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Association concurrent with the filing of the plat and the filing of the Amendment No. 2 to the deed restrictions, Cotesworth 2nd.

Markowitz stated he also wanted the Commission to know he has received the insurance certificate, providing coverage to the Village, a \$2,000,000 policy with a 25,000,000 umbrella policy.

Mr. Porter stated the plan for Phase II of the Reserve of Whitetail, as it stands today, is to get all the improvements in along with the road this fall and hopefully be able to start to build homes in the spring. Markowitz stated Snavely has until October of 1996 to complete the improvements.

Mayor stated that he has noticed a fair amount of erosion under the CEI lines, along the north side of Manorbrook Drive and he asked Mr. Porter if there is anything that can be done to correct this situation? Mr. Porter acknowledge there is a problem with erosion, and he has spoken with Wheeler Landscaping to see what can be done. Mr. Porter stated this is their "front door" so they are currently trying to correct the problem.

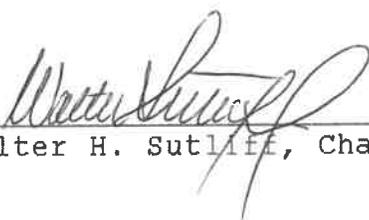
Markowitz asked that the Secretary and Chairman sign the plat and then following all necessary contingencies being completed, the Solicitor will sign off.

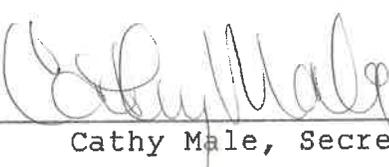
Chairman Protém Sutliff asked for an update on the Emerald Lakes borrow pit and its opening and restoration. Markowitz stated Mr. Simon signed the agreement and the Mayor signed the agreement, the borrow pit work went ahead, and as part of the borrow pit agreement, Mr. Simon agreed that the maintenance bond for phase III could include the borrow pit area. Markowitz stated Simon is out of time on getting the improvements done on phase III, they were to be complete by July 1 however the letter of credit is up in October so hopefully all will be complete by the August 3rd meeting.

Following brief discussion, Commission agreed to change the August meeting from August 3rd to August 10th due to three members being unable to attend on August 3rd.

Building Inspector Hocevar stated he is having problems with mud on the roads during construction and he asked Markowitz what can he do to try and keep it under control. Markowitz stated if it is causing mud to leave the undedicated road and go onto the dedicated road or elsewhere, the Village can give notice and if the builder or developer does not fix it, then the Village can go in and clean it up. Hocevar stated he is concerned because all this mud is being washed into the storm sewer. Markowitz stated under the bond, the Village has to give 30 days notice however if Hocevar deems it to be an emergency, and it will cause sedimentation, the Village has the right to go in and clean the streets and deduct the cost from the performance bond.

There being no further business, meeting adjourned at 8:35 P.M.


Walter H. Sutliff, Chairman Protém


Cathy Male, Secretary

Held

19

stated he was in favor of this easement and he would do it. The Commission acted on what Mr. Simon said he would do and that is provide access to the common area through the easement to be provide between S/L #68 and #69. Mr. Berns stated if this is so, then Mr. Simon has changed his mind.

Mr. Berns stated he and Mr. Simon feel that if this easement is required, it will cause substantial damage to the lots involved and the Village will not be doing a favor for the two owners of the lots, who will be residents of this Village and not happy to have strangers walking through their property to get to the common area.

Mr. Markowitz stated it is important for Mr. Simon to understand the importance for the residents of the development to be able to have easy access to the only dry, meaningful common area of the development. This is why the Commission has asked the developer to provide this access.

Mr. Berns stated the second item deals with the restoration of the borrow pit. What the Commission has asked is the north slope must be restored by June 1st. Berns stated this has not be done, but can be completed by July 1st. The third item, 50% of the borrow pit will be restored by September 15, 1995, Berns stated this will be done. The forth item, erosion controls and siltation measures, are in and are being maintained. The fifth item, proof that the common area can be accessed through the CEI right of way, has been provided to the Village Solicitor. The sixth item, extension of the performance bond for Subdivision III has been complete. The seventh item, clean debris, junk and equipment from borrow pit area by June 1, 1995. Mr. Berns stated he has been out there, all the debris has been cleaned up and he did not see anything remaining. Mayor stated he also was up there and there is a stone culvert pipe at the top of the hill that still needs to be removed. Mr. Simon stated the excavator's machine broke down so the clean up is not yet complete. The eighth and ninth items, Maintenance Bond for Subdivision III will cover the cost to restore the disturbed areas of the borrow pit and maintenance of the erosion and siltation controls. This is being done currently. The tenth item, all work in the borrow pit will cease by 9-1-95, Berns stated he would like this changed to read "all work in the borrow pit will cease and disturbed areas will be seeded by 10-15-95". The eleventh item, no work can be performed in 1996 in the borrow pit without Planning Commission's approval, is not acceptable to he and Mr. Simon. Berns stated as long as they are complying with all the requirements of the Village, they do not feel they should have to come back to the Commission.

Mr. Berns stated there are basically three issues that they have to work out, first , the easement for access to the common area; second, the date for allowing future work in the borrow pit in 1996; and third, the maintenance bond issue. Mr. Markowitz stated he agreed these are the outstanding issues, the maintenance bond issue cannot be addressed at tonight's meeting because the Village Engineer is not present.

Following a brief discussion, Sutliff moved to adjourn into executive session for the purpose of discussing potential litigation, Cotesworth 2nd. Roll call, all ayes.

Meeting adjourned at 8:10 P.M.

Chairman Pro-tem Sutliff reconvened the meeting at 8:29 P.M.

Held

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Mr. Markowitz stated it is his understanding that the Village Planning Commission has discussed in Executive Session the issues raised by Mr. Berns and Mr. Simon and the Planning Commission is willing to make a motion, to be voted on by the Planning Commission which will amend the May 15, 1995 conditions that were imposed by the Planning Commission on the use of the borrow pit by the developer of Emerald Lake Subdivision II and III. Sutliff moved to amend the May 15th motion on the following conditions: 1) The Planning Commission will require the developer to sign a written agreement to abide by all of the terms of the May 15th, 1995 motion as amended by this motion. 2) The amendment to the motion will be to eliminate the requirement for an easement on S/L #68 & 69 and to allow the developer to perform removal of dirt in the borrow pit until September 15, 1995 and then start immediate reseeding and restoration of the borrow pit no later than that date and complete the same as soon as possible and as weather permits and that the developer agree that in each calendar year after 1995, that there be no further work, other than maintaining erosion and sedimentation controls in the borrow pit without first making a request to Planning Commission to insure compliance with all the Engineer's requirements and existing conditions imposed by the Planning Commission are still being met. The written agreement will be executed by the developer and will also be signed by the Village and subject to the approval of the Village Solicitor. The amendments to the May 15th motion would be effective only in the event that the developer signs the written agreement confirming that he will comply with the conditions, Cotesworth, 2nd. Roll call, ayes, Cotesworth, Butz-Voss, Sutliff; abstained, Young and Daniels. Motion carried.

BILL PORTER, SNAVELY DEVELOPMENT, stated he would like to request an extension to the maintenance bond for the Manorbrook extension, this bond expired May 31st and he would like to extend it until July 1st. Following a brief discussion, Sutliff moved to extend the maintenance bond provisions dealing with the completion of the cul de sac work on the inter-connect between Manorbrook extension and Manorbrook within Reserve of Whitetail Subdivision #1 until July 1, 1995, Cotesworth 2nd. Roll call, all ayes.

JOE MAZZULO stated he is before the Commission to informally discuss the idea of putting in open air fruit and vegetable market at the southwest corner of Rte. 306 and Bell Road. Mr. Mazzulo presented an informal sketch showing the location of the proposed structure. Commission informed Mr. Mazzulo that the parcel is not zoned for retail sales and the property would have to be rezoned. The Commission stated they were not in favor of rezoning.

Mr. Mazzulo stated he has spoken with the owners of the land, Sky Oil, and they would be willing to lease the land. Mr. Mazzulo stated they would have a building that would be used all year long.

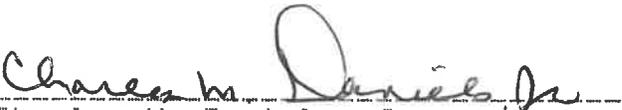
Commission stated another concern, other than rezoning, would be the traffic and the ingress and egress.

Held

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Following lengthy discussion, Commission stated they were not in favor of this proposal and would not be in favor of rezoning of the property. Mr. Mazzulo thanked the Commission for their time.

There being no further business, meeting adjourned at 9:10 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1048

Held

MAY 15, 1995

19

MEMBERS PRESENT: YOUNG, SUTLIFF, BUTZ-VOSS, COTESWORTH

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: K. LESKOVEC, J. ALBERGO, S. SIMON

Meeting was called to order at 7:30 P.M. Roll call, Chairman Daniels was absent. Following brief discussion, Young moved to nominate Wally Sutliff as Chairman Pro-tem, Cotesworth 2nd. Roll call, all ayes.

Sutliff asked for any additions or corrections to the April minutes. Markowitz made two spelling corrections. There being no further corrections, Butz-Voss moved to approve the minutes as corrected, Cotesworth 2nd. Roll call, all ayes.

JOE ALBERGO, ROSIE'S PLACE, 540 E. WASHINGTON, stated he is before the Commission speaking for Kelly Leskovec, who would like to informally discuss a proposal to put in a tanning salon in the building in back of Rosie's Place. This building is currently being used for office space. The building has been used for a flower shop in the past as well as storage for the restaurant.

Mr. Albergo stated they are proposing to start out with three tanning beds with one employee. Mr. Hocevar stated the existing zoning is B-2, I-2 and the tanning salon would be considered a permitted use, as a personal service.

Mr. Albergo stated there is sufficient parking for what is being proposed. The building would need some interior modifications for this use, the building is approximately 1200 square feet.

Commission asked what plans they had for signage. Albergo stated they did not have any specific plans, possibly a sign on the building or something small at the street, whatever it is it will be within the Village regulations.

Commission explained the next step would be to file a development review application and come back before the Planning Commission for formal action.

MR. SID SIMON, EMERALD LAKE DEVELOPMENT, stated he is before the Commission to discuss the borrow pit and the future plans for excavating and restoration. Mr. Simon stated he has asked Joe Guttosky, Mr. Simon's engineer, to speak to the Commission regarding their plans.

Mr. Guttosky stated he has done a topo of the borrow area, to show what exists now. Guttosky stated he estimates they will need 16,000 yards of dirt from the borrow pit to finish the development, 4,500 will be needed for the cul de sacs yet to be put in and remainder would be for building lots. Mr. Guttosky presented a plan showing from which areas they still plan to take the dirt and the plan for restoration.

Held

19

Tom Voldrich, Village Engineer, stated this is the first time he has seen the final plan. Voldrich stated he is concerned with dust control during the grading operation. Mr. Simon stated he will do whatever the Village wants them to do.

Voldrich asked how much dirt, of the 16,000 yards, would be taken out this year. Mr. Simon stated he thinks about half would be taken this year.

Voldrich asked if it had been determined whether or not a permanent easement would be necessary on sublots 68 and 69 for access to the common area. Mr. Simon stated he believes they have an agreement with CEI, granting an easement which will allow access through the CEI property, to the common area. Simon stated his attorney is checking on the easement. Mr. Voldrich stated the common area is contiguous with the Alderwood right of way, however it is physically obstructed by the wetlands so the only way you can get into or out of the common area is through the CEI property.

Sutliff asked, from a practical standpoint, how would a resident use this property? Simon stated they could get to it through the CEI property. Commission discussed the problem of access to the common area.

Mayor stated he feels this "access" issue is important and he feels something should be provided for easy access. Mayor asked Mr. Simon what he felt about providing some sort of easement for access along one of the property lines. Mr. Simon stated a 10 foot easement between S/L #68 and #69 for pedestrian use, he would not have any problem with that idea. Mr. Simon stated he thinks the residents should have access to the common area.

Mayor stated he is in favor of the pedestrian easement and he would be agreeable to opening the borrow pit if he can be assured that 50% of the borrow area can be restored this year. Markowitz stated Subdivision #3 bonds are up at the end of the month and Mr. Simon needs to request an extension. Markowitz stated assuming they were still in the performance bond, the requirements of restoring a certain amount of the borrow pit by a certain date could be included and then when they dedicate the road, the maintenance bond would take over. Then the easement would be granted as part of the process of renewing the performance bond. Markowitz stated he and Mr. Rosner (Simon's attorney) could come up with language for the pedestrian easement. Markowitz stated it would take just a few days to do the legal work. In addition, the agreement with CEI has to be confirmed. Mayor asked the Solicitor if all this should be completed prior to the opening of the borrow pit. Markowitz stated yes, he felt it should be done prior to any digging.

Mr. Simon stated if he is held up from digging in the borrow pit until the legal work as discussed is complete, he will be hurt, he needs to move dirt now. Mr. Simon stated he will do whatever is agreed to tonight, however he can't wait to move dirt, the summer is here and they need to work. Markowitz stated to determine the easement rights and doing a new easement will take maximum two days. The bonding will depend upon when the engineers can give the Village a layout and the time table of restoration and an amount, which should take another couple of days.

Mr. Simon stated he would like to request an extension of the bond, the landscaping should start soon and he thinks all he will need is an additional month.

Held19

Engineer commented that there is a lot of construction debris around the borrow pit which needs to be removed and the silt fence needs to be replaced.

Following further discussion, Young moved to allow the re-opening of the borrow pit for the purpose of removing earth for use in Emerald Lake II and III upon the following conditions: upon the granting of a ten foot easement for pedestrian access to the borrow pit and Block A for the benefit of the association and Village, five feet on either side of the common property line of S/L's 68 & 69; upon the South Russell Village Engineer's approval of the phased restoration of the borrow pit area, restoration of the north slope using a grade not to exceed 4:1, in accordance with the May 1995 grading plan of Gutoskey by June 1, 1995; by September 15, 1995, restoring 50% or more of the disturbed areas of the borrow pit in accordance with Gutoskey grading plan; upon all erosion controls and siltation measures required by South Russell Village Engineer being installed and properly maintained; upon proof to satisfaction of the Village Solicitor that the Association can access the borrow pit and other contiguous common area from Bell Street through the CEI right of way; upon proof all erosion controls and siltation measures required by South Russell Village Engineer being installed and properly maintained; upon the execution of the first extension to performance bond for subdivision III and complete improvements by July 1, 1995; the October 1, 1995 letter of credit remains in place; upon cleaning debris, junk, and equipment from the borrow pit area by June 1, 1995; upon the maintenance bond for Subdivision III including an amount as determined by the South Russell Engineer necessary to cover the cost to restore the remaining portion of the areas of the borrow pit to be disturbed and the existing disturbed areas of the borrow pit, and maintain the erosion and siltation controls; upon maintaining the erosion and siltation controls in a state of continued usefulness as previously required by the South Russell Village Engineer; upon ceasing the removal of dirt and disturbing the ground in the borrow pit by September 1, 1995; upon no removal of dirt or disturbing the ground of the borrow pit in 1996 until the Planning Commission give their approval; upon allowing the stockpiling of earth in the borrow pit so long as erosion controls required by the South Russell Village Engineer are maintained at all times, even when the earth is removed by builders, contractors and subcontractors; all stockpiled dirt shall be seeded no later than October 1st of each year and proper siltation measures installed and maintained at all times; Cotesworth 2nd. Simon stated he has agreed to all the conditions discussed, but he needs the borrow pit to be opened now, he can not afford to wait until all the conditions are completed. Commission stated they feel the conditions must be completed prior to the opening of the borrow pit. Roll call of motion on the table, all ayes. Motion carried.

Markowitz stated he would like to review the bonds of Emerald Lake Subdivision. Subdivision III bond will be extended to July 1, 1995 and the Letter of Credit will remain in place until October 1, 1995. The drainage bond on S/L #72, comes due on May 30th and at this time it does not appear the ditch is constructed as it is shown on the plans.

Engineer stated Snavely has asked for an extension for putting in the Woodland Ct. fence until May 31st. Commission discussed and agreed to send another letter stating they have until June 1, 1995 to complete this work.

Held

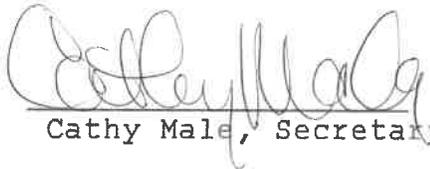
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Following a brief discussion, Commission agreed to hold the next Planning Commission on June 15, 1995 at 7:30 P.M.

Engineer stated the fence used at the cul de sac of Manor Brook Drive, Emerald Lake III, is not doing its job keeping through traffic from Reserve of Whitetail. It is his recommendation that this fence be made permanent until the two roads are to be connected. Commission agreed.

There being no further business, meeting adjourned at 9:15.


Walter Sutliff, Chairman Pro-tem


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held

APRIL 17, 1995

19

MEMBERS PRESENT: BUTZ-VOSS, DANIELS, YOUNG, SUTLIFF

OTHER OFFICIALS: D. MARKOWITZ, T. VOLDRICH, D. HOCEVAR

GUESTS: J. SVETTE, M. BENES

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Cotesworth absent.

Chairman Daniels asked for any addition or corrections to the March minutes. Markowitz stated on page 365, top paragraph, third line, the word "the" should be deleted. On the same page, third last paragraph, second last line, the word "will" should be deleted. There being no further corrections, Sutliff moved to approve the minutes as amended, Butz-Voss 2nd. Roll call, all ayes.

MATT BENES, SVETTE LOT SPLIT, 949 BELL ROAD, stated he is before the Commission requesting permission to drill a second well on the above property. Mr. Benes stated he received approval for the minor lot split of 949 Bell Road, as requested at the February meeting. At that time, it was a condition of the approval, that if there was ever a need for a second well, they were to come back before the Commission and request permission. Mr. Benes stated they are asking to drill a second well on the two acre parcel, parcel #2. Benes state they have been in contact will Dr. Eckstein and he has given his approval of their request as long as the 2nd well is no closer than 150 feet to the existing well on the front lot or any other well in the immediate vicinity. Where they are proposing the second well, it will be 300 feet from the existing well, 340 feet from the rear property well and 250 feet from the side property wells.

Following a brief discussion, Sutliff moved to approve the drilling of a well on S/L #2, 949 Bell Road, contingent upon amending the plat language stating there will be no wells drilled on S/L #1 or S/L #2 any closer than 150 feet from any other existing well, upon the well on S/L #2 being approximately equi-distant between the east and west property lines, and upon the requirement to assign the mortgage from Central National to Society National to Key Corp., Butz-Voss 2nd. Roll call, all ayes.

Tom Voldrich stated there has been no activity in the EMERALD LAKE BORROW PIT, they are waiting for it to dry out. Mayor Young stated he has some real serious concerns about what the borrow pit area is ultimately going to look like, after all building is complete. Mayor stated he felt it was very important that they ask for some plan, showing the final restoration. Voldrich stated he would contact Mr. Simon and ask Mr. Simon to present his ideas and plans for the borrow pit and do so at the next meeting, the May meeting. Commission agreed.

Another concern the Planning Commission discussed was the

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Held

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access to the common area for the development. Commission felt there should be an easement created for access for both the residents and for the Village. Voldrich stated he would notify Mr. Simon of this concern.

Markowitz reported Emerald Lake III road needs to be complete by June 1, 1995. Markowitz stated he will send a letter notifying Mr. Simon of this deadline.

There being no further business, meeting adjourned at 8:30 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

MARCH 6, 1995

19

MEMBERS PRESENT: Cotesworth, Daniels, Sutliff, Young

OTHER OFFICIALS: D. Markowitz, T. Voldrich, D. Hocevar

GUESTS: J. Svette, R. Miller, S. Miller, F. Duncan

Meeting was called to order at 7:30 P.M. by Chairman Daniels. Roll call, Butz-Voss was absent.

Chairman Daniels asked for corrections to the January 10, 1995 minutes. There being no additions or corrections, Cotesworth moved to approved the minutes as recorded, Sutliff 2nd. Roll call, all ayes.

Chairman Daniels asked for corrections to the February 9, 1995 minutes. Markowitz stated on the first page, third to last paragraph, third line, should read "he is before the Commission". Markowitz stated the lot split requested by Jerry Bishop is not part of the Fox Run subdivision and it should be noted in the minutes that the minor subdivision property is property that fronts on Rte. #306, for purposes of identification. Markowitz stated on page 355, the motion made by Sutliff on the request of Bob Horvath for development review for the height of a proposed home to be built in Fox Run, should have the additional language of "with a height of 34'2" for the home". On page 356, first full paragraph, last sentence should read, "Young moved to deny the development review application of Nextel Communications requesting permission to build a communication tower since it is not a permitted main use and exceeds the height limitation of the zoning code". In the second last paragraph, first sentence, the word "ruled" should be "assumed", and "Markowitz gave that ruling" should read "Markowitz gave that opinion". There being no further corrections to the minutes, Cotesworth moved to approve them as amended.

Mrs. Jane Svette, 949 Bell Road, presented an application and plat for a minor subdivision. Mrs. Svette stated she wants to divide her property into two parcels, a 1.24 acre parcel that has the existing home and a 1.981 acre lot upon which she would like to build a home in the near future.

Commission reviewed the plat and application. Village Solicitor stated the Zoning Inspector has determined that this property is located in a water sensitive zone and it will be necessary to have a report done by a license hydrologist verifying that there is sufficient water to support two homes. Mrs. Svette stated she has been in contact with Dr. Eckstein, the Village Hydrologist, and he has recommended to her that there not be a second well drilled, but instead service both homes from the existing well. Mrs. Svette presented a letter from Dr. Eckstein, dated 3-1-95, stating the specifics, copy hereto attached.

Mrs. Svette stated the existing well is located close to the existing house, in the side yard. Mrs. Svette stated the well has been tested and the results showed the capacity

Held

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being 10 gallons per minute. Commission stated the results of this test would have to be reviewed by Dr. Eckstein.

Markowitz stated based on Dr. Eckstein's letter, the Commission would want to have a restriction on the plat which would indicate that no new wells could be drilled without the approval of the Village. Other items that need to be addressed on this plat are lot numbers, they need to be added. They will want to see a lien and tax search from a title company to make sure all the mortgage holders are on the plat. Markowitz asked if the back lot line could be straightened? Mrs. Svette stated the lot line as shown runs through the wooded area so she does not feel it would be necessary to straighten it out.

Markowitz stated there should be an easement written that would obligate the person who benefits from the easement to share in the maintenance of the well. The easement would provide that each property owner have equal right to the water and equal responsibility for maintenance of the well.

Following further discussion, Cotesworth moved to approve the minor subdivision application of Jane Svette, 949 Bell Raod, contingent upon;

- 1) a restriction being placed on the minor subdivision plat indicating that no new well can be drilled on either parcel without the approval of the Village Planning Commission;
- 2) the Village Hydrogeologist reviewing and approving the water pump test;
- 3) an easement be drafted and reviewed by the Village Solicitor, for the benefit of the rear parcel, parcel #2, to access the well for water and sharing the cost of maintenance of the well located on the front lot, parcel #1;
- 4) the Solicitor receive and approve a lien and tax search verifying the owners and mortgage holders of the property;
- 5) place lot numbers of #1 on the front lot and #2 on the rear lot;
- 6) Solicitor to review and approve the language of the minor subdivision plat;
- 7) name and address of the owner be placed on the plat;
- 8) the reference on the plat to public water be changed to private ground water well;
- 9) CT Consultants review and approval of the plat as amended; Sutliff 2nd. Roll call, all ayes.

Chairman Daniels stated Mark Duncan, M. A. Duncan Construction and Scott Miller and Ron Miller, Miller Homes, are back before the Commission requesting permission to open up the borrow pit in Emerald Lake II. Daniels stated due to his employment with a Simon owned company, he will again remove himself from the discussion and appoint Wally Sutliff as Chairman Pro-tem, for the duration of this discussion.

Scott Miller stated they are back requesting the borrow pit be opened but they are back with Sid Simon's permission to go into the borrow pit and also with a plan for erosion control. Mr. Miller presented a letter from Mr. Simon, dated 3-6-95. Mr. Miller stated they need dirt to start the Harvey's home on S/L #67 as well as three additional lots that they own.

Mark Duncan, excavator, stated he has been working in this area for 4 years and he is the only one who has consistently put in erosion control measures. What he would like to

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propose is to use the access on S/L #68, go in and take dirt by building another sedimentation pond. Mr. Duncan presented a plan showing the placement of this new sedimentation pond. Mr. Duncan stated he would put up a cash bond to cover any damage that might be done. Mr. Duncan stated he feels it makes alot of sense to prepare a sedimentation pond prior to hauling alot more dirt and they would accomplish this by the plan presented.

Commission discussed this request and proposed plan at length.

Mayor stated it is his personal opinion that he does not want the borrow pit opened up at this time. Mayor stated he does not see any changes since last month and he has a concern that if the pit is opened up, Southwyck Lake will be at risk.

Sutliff asked the Village Engineer for his opinion on this request. Engineer Voldrich stated his opinion is the same as last month, the borrow pit should not be opened up and the mass moving of dirt should be shut down until the weather is better.

Mayor Young moved to deny the request to open the borrow pit in Emerald Lake II, Cotesworth 2nd. Roll call, ayes: Young, Sutliff and Cotesworth; abstained: Daniels.

Mark Duncan asked when the Village might be willing to allow the borrow pit to open up? Engineer stated it will probably be sometime in mid-spring, it will all depend on the weather.

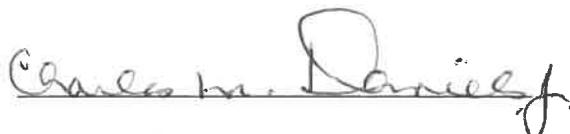
Markowitz stated another point he feels needs to be considered is the area that the borrow pit is located is in the common area of the development which is owned by the homeowners association. The homeowners are going to have future responsibility for maintenance of this area, so what ever is done now and in the future, the Village needs to make sure that we are not unduly burdening the homeowners with the responsibility that will only be there because the builders or developer are using the land to fill lots. It will be important to balance the interests of the association versus the benefits that can be obtained overall to the Village and the builders from using the borrow pit. Sutliff stated this is a very good reason why the Commission should request a master restoration plan for the borrow pit area. Commission agreed.

Chairman Daniels asked for any old business. Markowitz stated he thought the Engineer should remind Snavely that the guard rails should be installed now.

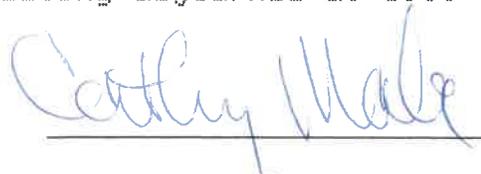
Mayor stated the Council has noted the large number of streets with "Fox" in them. Mayor stated the Council will probably ask Sid Simon to rename the streets that have not been recorded.

Due to Chagrin's spring break, Commission agreed to change the April meeting from April 6th to April 13th. Secretary will notify the press.

There being no further business, meeting adjourned at 9:00 P.M.



CHARLES M. DANIELS, JR.



CATHY MALE, SECRETARY

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

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Charles M. Daniels, Jr, Chairman



Cathy Male, Secretary

RECORD OF PROCEEDINGS

Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

FEBRUARY 9, 1995

19

MEMBERS PRESENT: Sutliff, Butz-Voss, Young, Daniels

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: S. Simon, J. Bishop,

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Cotesworth absent.

Chairman Daniels asked for additions or corrections to the January minutes. Following brief discussion, Commission agreed to hold action on the minutes until the March meeting.

MR. JERRY BISHOP, stated he is before the Commission requesting that the minor subdivision plat, which the Planning Commission approved in September, 1994, be amended to show a minor change to the utility easement. This property is located on Rte. 306, north of Bell Road, adjacent to the BF station. Mr. Bishop stated the utility easement was changed to accommodate Mr. Mezak's attorney. Commission reviewed the amended plat.

Following a brief discussion, Sutliff moved to approve the requested amendment to the Minor Subdivision Plat for Fox Run Subdivision, Butz-Voss 2nd. Roll call, all ayes.

MR. SID SIMON, EMERALD LAKE III, stated he is back before the Commission with his request for a variance from the Subdivision Regulations which will allow him, if granted, to get zoning, building and occupancy permits for phase III of Emerald Lake Subdivision.

Chairman Daniels stated he would like to make a statement before Mr. Simon proceeds. Daniels stated he has been working for a company that is owned by the Simon family in Copley, OH. It has absolutely nothing to do with the issues that the Planning Commission is addressing, however it is believed that it might be considered a conflict of interest for him to enter into any discussion regarding Mr. Simon's issues before the Commission. Daniels stated he would ask Mr. Sutliff to act as Chairman Pro-tem during the discussion of Mr. Simon's issues.

Mr. Sutliff asked Mr. Simon to inform the Commission what the situation of phase III is at this time. Mr. Simon stated he is before the Commission seeking approval of his variance request. Mr. Simon stated all the utilities have been installed in Phase III, cable, gas, electric, and phone lines are all installed.

Mr. Sutliff asked where the issue of weight limits stood? Butz-Voss stated this was discussed at Council however there was no action taken. Markowitz stated a weight limit can be imposed on dedicated streets, but not on streets which have not been dedicated, i.e. Manor Brook Drive, Emerald Lake III.

Mayor asked if Mr. Simon was still asking for a variance on

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Held

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all three permits, building, zoning and occupancy? Mr. Simon stated yes he was, however he would be willing to drop the occupancy permit if the Village was willing to grant the zoning and building permits. Commission discussed briefly. Mayor asked about the borrow pit, are there funds held for the restoration of this area. Mr. Simon stated yes there are funds held for this restoration. Mr. Simon stated they are actually considering making this area into a lake, instead of restoring it to its original state. Mr. Simon stated they will be using this area as a borrow pit for the next 3 to 4 years, depending how the sale of the lots go.

Following this discussion, Butz-Voss moved to approve the variance from the Subdivision Rules Section 3.12 which will allow the issuance of zoning and building permits, not occupancy permits for all of the lots in Emerald Lake Subdivision III, prior to the acceptance of all the improvements for dedication by the Village, Young 2nd. Roll call, ayes - Butz-Voss, Young and Sutliff; abstained - Daniels.

MR. SID SIMON, EMERALD LAKE II, presented plans for development review approval for the last three spur roads in phase II, Sorrelwood Lane, Fox Sedge Lane and Fox Glove Lane. Mr. Simon stated the improvement plans are currently before the Engineer for his approval and what he needs from the Planning Commission is their approval for the last three cul de sacs. Commission reviewed the plan and discussed briefly.

Following this brief discussion, Butz-Voss moved to approve the development review application for spur roads Fox Glove Lane, Sorrelwood Lane and Fox Sedge Lane subject to review and approval of the improvement plans by the Village Engineer and the establishment of a performance bond in an amount to be determined by the Village Engineer and secured in a form that is approved by the Village Solicitor. Young seconded. Roll call, ayes - Butz-Voss, Sutliff, Young; abstained - Daniels.

MR. RON MILLER, MILLER HOMES, stated he is before the Commission to request that they be allowed to open up the borrow pit in Emerald Lake Subdivision, in order to get sufficient soil to fill S/L #72 and also other lots in phase II on Teaberry Circle. Mr. Miller stated now that the ground is frozen, they feel that it is the best time to go in and remove the soil. Chairman Daniels stated the Village has an agreement with Mr. Simon that the borrow pit will not be opened up until the spring and it is his opinion that the Commission is not in favor of opening the borrow pit until spring or later. Mr. Miller reiterated that he feels there will be less damage down stream if the pit is opened now and they are willing to present any necessary guarantees that the pit will be restored after all necessary work has been done.

Mr. Daniels stated he is not willing to discuss this issue any further unless Mr. Simon states this is agreeable with him. Mr. Simon stated he has no objection as long as they maintain it to the Village's standards, i.e. all responsibility will be on their shoulders to maintain it and he (Mr. Simon) will not have any responsibility. Markowitz stated this is Mr. Simon's property so it ultimately will be his responsibility.

Commission discussed this request at length. Mayor stated he is concerned with the issue of driving heavy trucks on the roads during the freeze and thaw period. Mayor stated

Held

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he is not comfortable with opening up the borrow pit at this time not only from the stand point of potential damage to the roads but also from the stand point of potential siltation damage downstream. Commission agreed that they were not in favor of opening up the borrow pit at this time.

BOB HORVATH, WOODHAVEN HOMES, S/L #18, FOX RUN SUBDIVISION, presented development review application for a proposed home that has a height of 34' 2", which is 1'2" over the maximum allowed. Commission reviewed the plan and asked if the building inspector had any problems with this plan. Dave Hovevar stated due to the topography of the land and the walk out basement, the average height is over the maximum allowed and he has no problem with this plan. Following a brief discussion, Sutliff moved to approve the development review application for Woodhaven Homes, S/L #18 Fox Run Subdivision, with a height of 34' 2" for the home, Butz-Voss 2nd. Roll call, all ayes.

JUDY AROLA, NEXTEL COMMUNICATIONS, stated she is before the Commission requesting development review approval for a communication tower which they have proposed to construct off of Industrial Parkway. Ms. Arola stated the tower will be 200 feet tall and will carry radio dispatch, police, fire and emergency frequencies. They are not a cellular system and will be used only for local services. Commission reviewed the plan and located the placement of the tower and utility building off of Industrial Parkway.

Mr. Sutliff asked if the tower had the potential of producing any negative health hazards. Ms. Arola stated as far as what is considered a potential health risk, the frequencies that they use are so low, they are not even recognized by the FCC as even close to being any form of a health hazard. They operate anywhere from 25 to 35 watts.

Ms. Arola explained they are not constructing towers at this time in this area, they are currently seeking sites for towers, which will eventually connect to the major network across the country. Currently they have secured sites in Shaker Heights. They are up and running in Chicago and New York City and Detroit will be on line in April.

Mr. Markowitz stated the area that they wish to construct the tower is in the area zoned industrial use and this is not a permitted use and in addition, it exceeds the maximum height regulation. They would have to seek variances if they were to proceed with the permit process.

Ms. Arola presented photos of the property which they wish to use for this proposed tower. Ms. Arola stated the area in South Russell is ideal because of the proposed location of the other towers. It is the right elevation as well as the correct distance from the other towers.

Engineer asked about the construction of the towers and the design standards. Ms. Arola stated the tower is constructed to withstand winds of 125 miles per hour and they are operational with up to 80 mile per hour winds.

Commission suggested many other locations as possible sites for this tower. Ms. Arola stated many of these sites would not be in the proper location to connect with other towers.

Following lengthy discussion, Commission stated they were not in favor of building towers in South Russell. Mayor stated the Village makes residents jump through hoops to build a house no higher than 30 feet and he can't imagine

Held

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allowing a structure 200 feet tall. Mayor stated he is very much against this proposal of a communication tower. Commission stated they were in agreement with the Mayor.

Mr. Markowitz explained the procedure that must be followed if they were to proceed with the application process. The next step would be to go the ZBA, however the last request that was turned down by the Commission for a tower was proposed by GTE, never made it to the ZBA because they knew their application would be denied. Markowitz stated the Village Planning Commission is not interested in approving towers, they made that clear to GTE and they are making it clear to Nextel.

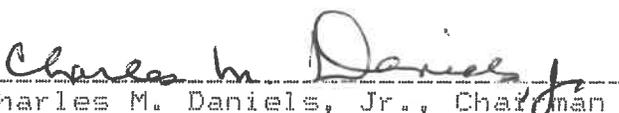
Following further discussion, Young moved to deny Nextel's development review application requesting permission to build a communication tower, since it is not a permitted main use and exceeds the height limitations of the Zoning Code, Butz-Voss 2nd. Roll call, all ayes.

JANE SVETTE, 949 BELL ROAD, MINOR SUBDIVISION APPLICATION, was not present however the application for a minor lot split and plat were reviewed. The plan showed the lot at 949 Bell Road which is proposed to be split into two lots, 1.24 acres and 1.981 acres.

Following brief discussion, areas of concern regarding this plat were first, the rear yard set back of the accessory structure; second, the water sensitivity zone needs to be checked and proof of sufficient water needs to be provided and third, the language on the plat is not to the Solicitor's approval. Commission asked the Building Inspector to inform Ms. Svette of these items and they would review the plat at the next meeting.

Mr. Markowitz stated he received a call regarding Violantes sign, that it does not conform to the current sign regulations. Hocevar stated it had received a variance, however the variance granted was only for the location, not the height. Hocevar stated Mr. Violante did come before the Commission and it was assumed that the variance would stand and they did not have to conform to the new sign regulations. Markowitz stated when he gave that opinion, he thought the variance granted was for height and not just the location. Markowitz stated even if he gave an incorrect interpretation, Violantes must still conform to the zoning. They have the right to go before the ZBA but the Code needs to be enforced. Mayor asked the Building Inspector to advise Mr. Violante what needs to be done.

There being no further business, meeting adjourned at 9:40 P.M.


Charles M. Daniels, Jr., Chairman


Cathy Male, Secretary

RECORD OF PROCEEDINGS

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Minutes of

PLANNING COMMISSION MEETING

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held

JANUARY 10, 1995

19

MEMBERS PRESENT: Daniels, Cotesworth, Young

OTHER OFFICIALS: D. Markowitz, D. Hocevar, T. Voldrich

GUESTS: T. Harvey, J. Harvey, L. Butler, J. Gutoskey, M. Fisher, T. Taylor, F. Robinson, M. Heines, C. Haas

Chairman Daniels called the meeting to order at 7:30 P.M. Roll call, Sutliff and Butz-Voss were absent.

Daniels stated the Public Hearing called for this evening is for a request of Sid Simon, Emerald Lake Development Co., asking for a variance from the Subdivision Regulations which would allow the issuance of zoning, building and occupancy permits prior to the acceptance for dedication of all the subdivision improvements for all sublots located in phase III of Emerald Lake Subdivision. Chairman Daniels read the legal ad which was published in the Geauga Edition of the Cleveland Plain Dealer on December 10, 1994. Chairman Daniels asked that all individuals who wished to speak be sworn-in. Mr. Markowitz swore in all those wishing to speak.

Mr. Larry Butler, representing Mr. Sid Simon, stated they are requesting permission to be able to begin construction of homes in phase III because they have sold two of the homes and the purchasers are anxious to begin. Mr. Butler stated there are eleven lots in this phase.

Engineer Voldrich asked how the construction traffic would turn around at the end of the street, there is no cul de sac and at this point the connection to the Reserve of Whitetail is not completed. Mr. Butler stated he was not sure, but they would work out something.

Mayor Young asked what utilities had been installed? Mr. Butler stated he thinks all the utilities have been installed. Commission discussed, there was some question as to whether the gas lines had been put in. Mayor asked that verification be made as far as what utilities are installed.

Markowitz stated he is not comfortable with the Planning Commission granting any occupancy permits prior to dedication occurring. In the past, when this has been done, it has caused both he and the Village Engineer many problems.

Councilman Tim Taylor stated he would like to present some information to the Commission that he has been given with regard to damage done to roads by heavy truck traffic. Taylor stated if the Commission is considering allowing the issuance of building permits prior to dedication, the heavy truck traffic will be occurring during the time when the roads will be freezing and thawing. According to the information he has received, in times of freeze and thaw, the truck traffic can do considerable damage to the roads. This damage is not the kind that will show up in 6 months or one year, but it is the kind of damage which can shorten the

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Held

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life of the road.

Mr. Taylor stated he is just asking the Commission to consider this fact when making their decision on this variance request. Mr. Taylor stated Village does not have any ordinances which pertain to load limits and this type of situation however even if the Village did, they are very hard to enforce and very expensive to enforce.

Markowitz stated the Village does have the ability to control the weight on public roads and can require the reduction of weight, however the big problem is the enforcement.

Markowitz stated if a variance was granted, they could impose weight limits on the road as one of the conditions.

There being no further comments or questions the Public Hearing adjourned at 7:58 P.M.

Chairman Daniels called the regular meeting to order at 7:59 P.M.

Daniels asked for additions or corrections to the November 3, 1994 minutes. The following corrections were made by Mrs. Cotesworth, page 340, third paragraph, last line, the word "possibility" should be "possible"; page 341, third paragraph, second sentence, the word "of" should be added prior to the word "dedication"; same paragraph, eleventh line, "is" should be "are". There being no further corrections, Cotesworth moved to approve the minutes as corrected, Young 2nd. Roll call, all ayes.

The following corrections to the December 1, 1994 minutes were made; on page 343, second to last paragraph, first line, delete "the"; page 344, third paragraph, Guttoski is misspelled, it should be "Gutoskey"; same paragraph, first line, following the word "plat", the following should be added, "to vacate and dedicate the easement"; page 346, following "the requirements of the EPA letter", "as previously approved by the Planning Commission upon final developmental review approval" should be added. There being no further additions to the December minutes, Cotesworth moved to approve the minutes as amended, Young 2nd. Roll call, all ayes.

Commission discussed the variance request of Larry Butler, Emerald Lake Development. Mayor stated he feels very strongly that all the utilities need to be installed prior to any permits being issued. In addition, he does not feel any occupancy permits should be issued prior to dedication.

Building Inspector stated he does not think the gas lines have been installed as of today's date.

Mayor stated he would be interested in trying to control the weight limits on the roads during the freeze and thaw periods, if there is a reasonable way of enforcing the regulations.

Mayor Young asked if the Solicitor's office, along with with the Engineer, could research the weight limit issue and come up with some type of recommendation that could be a condition for this variance request.

Markowitz stated he was not sure and would have to go back and do some research on this issue. Markowitz stated the regulations regarding weight limits should be considered for

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all roads during the freeze and thaw time frame, so these limits should pertain to Alderwood Trail as well as Manorbrook Drive.

Mr. Butler stated if the Commission does not act on the variance at tonight's meeting, it will put them in a time crunch. Is there any way they can start the process to obtain permits prior to the variance being granted. Could they at least be able to go before the ABR for their plan review.

Commission agreed to allow plans for Emerald Lake III to go before the ABR prior to the issuance of the zoning permits.

Mr. Miller asked why the variance could not be granted with the conditions of the gas lines being put in and weight limits being determined.

Commission stated they would not act upon the variance with conditions however they would allow the ABR to review plans prior to the zoning being issued. Hocevar asked if they could also send the plans for grade plan review without zoning being issues. Commission stated yes the grade plans could be reviewed by the Engineer's office. Hocevar stated he had some concerns with this, he feels it increases the possibility for errors being made. Commission noted his concern, but did not want to grant the variance with any contingency at this time.

Following a brief discussion, Cotesworth moved to instruct the P/C secretary to notify the ABR to review the plans for Emerald Lake III prior to zoning being issued, Young 2nd. Roll call, all ayes.

TOM HARVEY, S/L #72, EMERALD LAKE III, presented plans for changing the drainage easement for S/L #70, #71 and #72. Mayor Young presented pictures of the area he took during the summer and heavy rains. Harvey explained the plat shows both the existing easement and the proposed revised easement.

Commission reviewed plat and discussed at length. Mayor stated he is still concerned with erosion, it will be absolutely necessary to provide sufficient vegetation to keep erosion at a minimum.

Markowitz stated prior to any work being done, there needs to be a performance bond provided and a deposit made for inspection fees.

Commission discussed the need for rock to be installed at certain locations along the easement to contain the dirt and prevent erosion.

Markowitz stated one question he has is, who will do this work and who will oversee the job and make sure it is done correctly. Tom Harvey stated Sid Simon will be responsible to do the work. Markowitz stated there will be work done on Sublots #70, #71 & #72 when changing this easement and it is important that the work be done all at once and because it is part of the overall drainage plan for the subdivision and there will be a need of a performance bond, secured by a letter of credit or cash. It will also be necessary to set a completion date and make sure there are inspection fees on deposit.

There was lengthy discussion on the need for rip/rap to be installed in the ditch. It was agreed that there was need

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for stone in the areas where the ditch changes course however it was not agreed upon that the entire length of the ditch needed stone. Commission discussed and agreed to allow the Engineer to determine just exactly what was needed. Engineer stated he felt the most important areas needing stone were the curves of the ditch and he would look at other areas that might have need. Commission agreed to this plan.

Following further discussion, Cotesworth moved to approve the amended plat changing the easement location on S/L #70, #71 and #72, Emerald Lake III, contingent upon the following changes being made to the plat; change the title to add "part of block A of Emerald Lake Subdivision II", change the spelling of Lawrence to Laurence, change record bearings, and eliminate the hatching on S/L #70. In addition to these changes, developer must provide a performance bond secured by a letter of credit or cash, in the amount determined by the Engineer with a completion date determined by the Engineer and the form of the bond and security to be approved by the Village Solicitor and a deposit being made of \$500 for inspection fees, Young 2nd. Roll call, all ayes.

Mr. Mike Heines, Midwest Solutions, stated he is before the Commission to informally discuss the development of the Mezi property located on Rte. 306. Mr. Heines stated his organization is made up of two computer related companies. One which markets people that write contract software, custom software. The second company sells products, hardware, software and product type support. The third business which is being proposed for a portion of the plan is retail, the Wilderness Shop, which sells outdoor clothing and equipment. Mr. Heines presented a plan showing a 14,000 square foot building which would house all three companies.

Commission asked how many people would be working in the building proposed? Heines stated currently there are 16 people in the computer custom software business, with plans to expand to about 40, in the computer product business there are currently 32 people with plans to expand up to 60 and for the Wilderness shop there would be approximately 10 people. These figures would be what they would expect over the next five years. Mr. Heines stated they would have very little customer activity with the computer businesses and moderate activity with the retail, no more than 10 to 12 cars at one time.

Mr. Heines stated the parcel of land is 5 acres. The building they have presented on their plan is drawn to try and give a residential look. They have minimized the parking and tried to provide for as much landscape and green space. Mr. Heines stated the type of business they have will have only a minimum number of employees at the office, they will mostly all be out on accounts.

Mr. Heines stated he understands this piece of property is zoned residential and what they would like the Commission to consider is to rezone for office and retail use. Commission stated their strong feeling against rezoning. Mr. Heines stated they have tried to make the facility look less like a commercial or retail facility and more like residential and he does not feel the type of business he has will be a high traffic business.

Markowitz explained the procedure Mr. Heines would have to follow if he were to decide to request the parcel of land be rezoned.

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Commission reviewed and discussed proposed plan. Concerns discussed were additional traffic on Rte. 306, the effect of rezoning on surrounding property, and what kind of domino effect would take place. Mr. Heines stated his companies would not bring an overwhelming increase in traffic, however he knows the traffic will not decrease. What they do have to offer to the Village is they will have a clean, good looking building, it will not look commercial but more residential and they will add a lot of tax money to the community. Mr. Heines stated he feels he and his companies would be a nice addition to the Village.

Commission voiced their strong concern with rezoning, they are not all that comfortable with the idea and they also know the Council will also have many reservations.

Mr. Heines stated he would like to keep all three businesses together, there are some economical issues that make sense to do it this way, however it is not mandatory. Mr. Heines stated he can be some what flexible in the lay out of the companies.

Markowitz asked if the retail portion were not part of the development, would it be possible to build two smaller buildings to house the two computer companies. Heines stated this could be a possibility, something he would definitely look into. Markowitz stated this concept might make this development more appealing to the Village, it would have more of a residential feel to it than one large structure.

Mayor suggested Mr. Heines go before Council on an informal basis to present this idea, in order to get a feel from them on what they think of this concept.

Mr. Heines thanked the Commission for their time and suggestions and he stated he would look into putting something together for a presentation to Council sometime in the near future.

There being no further business, meeting adjourned 10:40 P.M.

Charles M. Daniels, Jr.
Charles M. Daniels, Jr., Chairman

Cathy Male
Cathy Male, Secretary

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