

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio

May 5, 2016

CALL TO ORDER 7:00 P.M

PRESENT: Chairman Christopher Smith, Vice Chairman John Lillich,
Mayor Robert Weger, Christopher Hallum, Joseph Zawatski and Michael Tyler

ALSO PRESENT: Building Commissioner Fred Wyss, BZA Rep Frank Cihula,
City Engineer Pietro DiFranco, Law Director Thomas Lobe
and Clerk Katherine Lloyd

MOTION: Christopher Hallum moved to approve the absence of Jonathan Irvine
Seconded by John Lillich
Roll call: Ayes Unanimous
Motion passes: 6/0

Correspondence:

- Hearing Notice and Letter dated 4/20/16 sent to Property Owners within 500 feet of 36100 Chardon Road, Willoughby Hills, Ohio RE: Similar Use Hearing.
- Hearing Notice sent to the News Herald for publication on 4/20/16 RE: Similar Use Hearing.
- Memo dated 4/20/16 from Building Commissioner Fred Wyss RE: Similar Use- Ruple – 36100 Chardon Rd
- Memo dated 4/27/16 from Chad Edgar, Lake County Soil & Water RE: Application Requirements – Protected Area – Babuder – 2275 River Rd.

PUBLIC HEARING for Thomas Ruple: Similar Use Review

Public Portion opened at 7:05 P.M.

- **Bud Moore, 36105 Chardon Rd., 36025 Chardon Rd.** I do not want to see a big barn and horses from my front window. The barn does not need to be in the front. This area needs to stay Residential. There are 6 buildings on the property now.
- **Denise Mertec, 36356 Chardon Rd.** I am a tax paying, 40-year Willoughby Hills resident. They are going for Similar Use. This property is zoned as cash, grain or general farm use up to 10 acres. They have 21 acres; the rest is residential. No one cares that the property slopes toward ravines and streams in the back at the park. There will be flies, bugs and smell. It is not zoned for horses. There is no comparable property in the immediate vicinity. He will do a business in this zone. I had to have a shed approved. EPA should be called for impact of horse manure in runoff. A couple of my neighbors did not get notification letters. I am against this.
(Wyss) It is zoned for horses.
- **Henry Seton, 36300 Chardon Rd.** My property immediately adjoins the 36100 property. I did not get notice of the April 21st meeting. At this 2nd meeting, has the decision already been made on this property?
(Smith) Tonight is the final hearing. There were only two hearings.

The property where they will have the pasture rises from Chardon Rd. Rd. slopes to the rear of the property in a 3-4 feet grade for 120 feet into a stream that carries water to Buttermilk. A grazing horse will produce 50 lbs. of manure and a couple gallons of urine per day. Those will run off to the stream. I would not mind him having personal horses. He is not a resident. He is bringing a business into a second city. My property value will drop. They will use more water. The sewers that were not going to be, will be. It will cost \$35-40,000. Business will cause other contaminants: flies, rodents, odor plume, and dust. My wife has lung problems. We would have to move. We have been active residents for 30 years. There were never horses in that time. Mr. Ruple will build a 22,000 square feet stable without stabling shown. Little is known about his plans and how it will impact the city. This is a pollutant to the city and the zoning board's reputation.

- **George Hoberny, 36400 Chardon Rd.** It's fine if he wants to raise a few horses. He can legally do that right now. But there are two houses and he does not live in either one. The property should be split. Then he would not be able to have 10 horses. It is rumored that he plans to build another house on the property. There will be issues with smell, sanitation rodents. I stopped raising chickens. He should live in Willoughby Hills, talk with neighbors, start with a couple horses. He has improved the old buildings. Worry about starting a business later on.
- **B. Huffman, 36428 Chardon Rd** As a newer resident of the city, my concern is the smell and bugs. I love the wildlife around my house. I see and smell manure in the park. I do not want it by my house. I do not think this fits with the feel of the neighborhood.
- **Joe Mertec, 36356 Chardon Rd.** He read a prepared statement from his wife, Denise who spoke earlier. 36100 Chardon Rd. is zoned cash, grain or general farm use, no more than 10 acres; residential total: 22 acres. Building Commissioner's report on what he feels is different from what is the active ordinance and law. Plans before us are changing. There is nothing close in the area to this use in the immediate vicinity. All of the properties shown on the drawing around 36100 Chardon Rd. are residential. They are setting a new precedent. If reclassified, the proposed uses and would have an adverse environmental or health impact on the immediate surrounding area in terms of acceptable air, noise or water quality standards. Wind blows predominantly west to east. I live to the east. Metro Parks owns all the properties behind 36100 Chardon Rd. Their land is higher than our properties. The runoff will flow toward us. We have septic. There are no sewers. We have a ditch for runoff. Cost of sewers would cause hardships. Has there been a study done by the EPA, to determine the effects on residents. Were the parks called to see how it affects wildlife, valleys and ravines? Passing this will cause hardships to me and neighbors –diminished property values – who pays when we are affected by the smell. Why change zoning where one profits at the expense of longtime residents? What type of barrier or fence will contain this property
- **John Plecnik, 2890 Bishop Rd.** Councilman at Large for Willoughby Hills. It is our job to represent neighbors and what they want. One of my family homes abuts Metro Park. It is pristine and beautiful. Whatever decision made, it will impact Willoughby Hills as a whole. I hope there is no vote or decision tonight due to the notifications. Big decisions should be made deliberately and carefully.
- **Unidentified question from floor.** 'Why did we not get notices from the April 19th meeting?' Many did not get notices. The vote is today.

(Wyss) The April 21th meeting was a Preliminary meeting. Under Similar Use it is handled the same way that a Conditional Use is handled. A Hearing has to be scheduled and residents within 500 feet are notified.

(Cihula) The first meeting is a preliminary meeting to determine if it should go any further. Notification is given if the Board determines that the project is worth going further. A third meeting can be scheduled if the Board wants.

- **Mary Moore, 36501 Chardon Rd.** Everyone is voicing distress that notification was not given to residents in the immediate area. If this is a final meeting, we are not happy with the issue. Has this

had a previous approval by the BZA? What are the restrictions for the residential land? Under the ordinances read earlier, does this apply to this project?

(Wyss) A Similar Use provision within the Code is a use where there is no prohibition for the use that is proposed on this property for the keeping of horses and having an equestrian training facility. Further, there is no use anywhere in the City that allows that. You have to have a use that the city has not previously devised or thought of. Furthermore, the keeping of horses in the City of Willoughby Hills is a permitted use. It always has been. Since 1970, we have had an ordinance in the Building Code specific for it. There is nothing to preclude Mr. Ruple and Sharon from bringing their horses onto the beautiful property that they have spent thousands of dollars to restore and keep the four horses that they have space for today. There is nothing to preclude them from putting up 5-foot fences that they have requested in this plan except for the very frontage area where, after 75-foot setback, you can have a 6-foot fence. That is one of the first impetuses in coming before the Board. To get this Similar Use approved. If anyone had read my report, a Similar Use in the Code would be a community recreation center or school. They want to train horses. In a case of a school, you are training human beings. That is all that this Board is reviewing. - Whether this is a Similar Use to what is allowed in a residential neighborhood. The Community Center with all its fields could go on the Ruple property. The baseball fields could go right next to the neighbor's yards. That is a Similar Use. In that case, the Board would review it for its impacts, its similarity to another approved use and it is not a use prohibited anywhere else in the City just like they are reviewing tonight. We are very grateful that the residents came to voice their opinions.

- **Dale Flanagan, 36456 Chardon Rd.** Resident for 25 years. I had a good personal experience when I came before this Board last year. I came to hear what people were talking about. There is a difference between the community center and putting up a horse facility. People are concerned about the outdoor waste, smell and flies. It is important to picture the people who are next door with breathing issues. People are concerned that there could be a business there but a developer could have put in 21 houses. We need to manage the impact. An EPA study and impact statement would be a good idea. People do not know what is happening
- **Joan Seton, 36300 Chardon Rd yielded to Henry Seton.** We are not against Mr. Ruple having personal horses. There are not details given about the proposed training center. What part of the proposed fence is before the runoff grade into the water system?

(Wyss) Grading of the property has not been considered.

The runoff should be investigated. It goes to a small stream that is a 'carrier' that goes to the stream that flows through Buttermilk Falls. The contaminants will definitely cause an environmental impact negative to what we have or want.

- **Rita A. Hoberny, 36400 Chardon Rd.** Resident 35-40 years. I enjoyed living here. Money buys. Let the people vote on the ordinances. I do not want to see that big fence all the time. I do not think it is fair. We are all getting older.
- **Elaine Hill, 36125 Chardon Rd.** We live exactly across from the Campbell House. We never saw the Miller House until it was moved forward. They have plenty of land. Put the building further back, not up by the street. It could still look like country. I have major health concerns. I have nothing against horses, but a herd of them in a business? We had to ask permission for our kids to sell daffodils at the roadside. We respected the rules. Millers always had a pony for their boys. We never smelled it from in the back.
- **Cecil Hill, 36125 Chardon Rd.** My main concern is a study by EPA, the runoff, its effect on the stream and the park and the effect on the properties to the east. Before you make a decision, you need an environmental study. There is too much involved here. A study would satisfy many concerns.

Public Portion for Public Hearing closed at 7:50 P.M.

Disposition of Minutes

Meeting of April 21, 2016

MOTION: John Lillich moved to approve the April 21, 2016 as presented.
Seconded by Joseph Zawatski
Roll call: 6 Ayes
Motion passes

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:51 P.M.

- **Frank Cihula, Dixon Rd.** The fence appears to be about 25 feet from the travelled portion of Chardon Rd. Several times a day, the Fire Department vehicles go east on Chardon Rd. Police cars and the Kirtland squad travel that way. Will those horses be spooked?
- **Pat Grebenc, 2265 River Rd.** My family and I respectfully ask that you work together to address the egregious violation and hold all parties accountable for their participation in the logging of timber in the Protected Area and on the hillside at 2275 River Rd. It is the responsibility of each municipality along the Chagrin River to act on behalf of this precious resource. Mr. Babuder and the logging company have both reaped significant financial gains from their disregard of Title 11, Chapter 1167. The State of Ohio has levied \$597,000 in fines because of pollution of the Chagrin River's East Branch in Kirtland Hills to the Osborne Company. The Protected Area Ordinance is very important and it is there for a reason. I am not an attorney. I know there is language within the legislation and the ordinance that I might not understand. We are unable to find any language that allows for farming or harvesting within a Protected Area. Both parties should be held accountable and responsible for taking the steps necessary to recover the areas that have been impacted in accordance with the recommendations. We are concerned that this is the community's first known violation and will set precedence for future violations. Consequences need to be aligned with the actions; and these are egregious. This particular action occurred in February. It is now May. There is a provision in the ordinance to assess criminal charges, specifically in regard to noncompliance. We ask these criminal charges be filed. Prosecuting both parties for their actions and assessing maximum penalty of law. The party that did this is claiming that they did not know. We need to send a message to all communities along the Chagrin River. Regarding this horse situation, I did not realize that the water in front of our property flows eventually into that river. The river is a precious resource. It will be here long after we are not.
- **Denise Mertec, 36356 Chardon Rd.** It is not just the sirens and police cars. On beautiful days and weekends, there are Harley Davidsons. What are the horses going to do? They can put the stalls in the back. Photos show that this is not flat land. You can see the runoff. There are ravines and streams and wildlife in the back. Please reconsider this. It affects a lot of people. *[Photos left with the Building Commissioner]*
- **Bud Moore, 36105 Chardon Rd.** Are they looking to change the codes from Residential to Commercial?
(Smith) No, this is ABR and we are reviewing the fence that they propose for their property.
You are aware that the animals run from my property over to the park? It is a ROW. They will not get through the fence.
- **George Hoberny, 36400 Chardon Rd.** The fence will block deer and turkeys that cross there. In the summer, there is a lot of foot traffic. The kids could be bitten by the horses.

Public Portion for Architectural Board of Review closed at 8:00 P.M.

1.) Thomas Ruple

36100 Chardon Rd. - Fence – PPN: 31-A-011-A-02-014-0

Plans stamped received in Building Department 4/19/16

Plans reviewed by Building Department 5/2/16

Present: Thomas Ruple, 7690 Eagle Mills Rd, Waite Hill and Sharon Stewart, 7690 Eagle Mills Rd.

(Smith) While we are in ABR to review the fence specifically. I would like to give Mr. Ruple a chance to address the remarks that have been made so far.

Owner/Representative Comments:

- It has been a farm since 1920. There have been horses on the property. We have pictures of horses on the property. At this point we are only here for four horses.
- The equestrian facility says 'future'. We are not here to do anything with the 2,000 sq. ft. equestrian building. It would consist of a huge indoor riding arena and 12 stables, if it is ever built.
- We are here to do 4 pastures on the east side of the property. The barn is existing; it has been there since 1920. It is set up to have 4 horses.
- There's 20 acres to the property but only 10-11 acres is reasonable flat and usable. There is a path into the ravine for an old gas well. Cows used to pasture down in the ravine.
- The property does slope. The east side drains away from Rt. 6 and towards the ravine in the back.
- The fence will be around the pasture area, 235'x 230' divided into 4 sections. It will not go across the entire front of the property. It will only be 235' of the 1200' frontage. The fence will be 5' high with 4 rails with a 'no climb' wire on the inside of the fence. *[Photos shown]* It sits back 30' from the center of the road and 5' from the sidelines.
- At this time, the horses will only be here 1-2 nights during the week until we can get a full-time caretaker in the small house.

Board Comments

(Lillich) I volunteered for almost 40 years managing nature preserves for the Audubon Society of Greater Cleveland. I am very familiar with how wildlife act and react. A 5-6 foot fence does not stop a deer. Turkeys fly. I am not concerned about this inhibiting a corridor for wildlife. We are only considering the fence tonight. It looks like an attractive fence.

City Engineer's Comments (DiFranco):

Four horses are not really a concern. They did bring up the runoff issue. Are you aware of how horse facilities address runoff? Is there a threshold after 10 horses? *I do not think any of them address it. From the stalls, manure is put in dumpster and hauled away. In the pasture, nature takes its course. A horse drinks about 5 gallons per day and eats about 12 pounds of hay per day. That is not 50 lbs. of manure.* Would you be able to provide additional setback between the fence and the property line to provide more of a buffer with the neighbor? *The neighbor to the east originally wanted the fence on the property line because they were afraid we would not cut the grass. We set it 5 feet over because of the Code. We could move it in a little more.*

(Unidentified question from the audience) What about the front? *We are 35 feet off the center line. We could go another 5 feet in.*

(Lillich) I have worked to get protective ordinances for the past 50 years for the Chagrin River Valley, Moreland Hills and all the way to Eastlake. Water quality is a big concern to me. I would be more concerned about fertilizer and pesticide runoff from housing yards than I am from the runoff that is fairly natural. There are more deer in the area producing waste than these horses will. Of course, it is all additive. There is a much greater effect on the river and Lake Erie from phosphates, chemical fertilizers and pesticides that people use.

(Lillich) You agreed to move the eastern fence line back a total of 10 feet from the property line. *Yes.*
(Wyss) We will still be considering the Similar Use for the training facility at a later time. The fences that are proposed for the housing of horses are a perfectly legitimate request that is allowed by our Code. We have addressed how many horses they plan to have at this time. Any use in the future will be addressed when Similar Use is reviewed. Conditions can be made at that time.

(Lillich) You will have 5 pastures all together? *No, only four. We will not do the one in the rear.*

MOTION: John Lillich moved to approve the fencing of four pastures at 36100 Chardon Rd. with the condition that they move the eastern boundary fence a total of 10 feet away from the property line and the front fence moved a total of 10 feet off the front property line.

Seconded by Joseph Zawatski

Voice Vote: Ayes Unanimous

Motion Passes: 6/0

PLANNING COMMISSION

Public Portion opened at 8:17 P.M.

- **Denise Mertec, 36356 Chardon Rd.**

For the record, I am really disappointed. This is so close to the property line we will be able to smell. When I pay my property taxes, my property value has decreased. You did not call the EPA to check on anything. You automatically passed fences. You did not care about our property line or what we will have to put up with. 40 years paying property taxes and it did not matter.

- **Joe Mertec, 36356 Chardon Rd.**

Now that my property values will probably decrease, I want my property reassessed on the value and I want my taxes lowered.

(Smith) That is Lake County.

Public Portion closed at 8:26 P.M.

1.) Daniel F. Brown

Contractor: Same

35406 Eddy Rd. & PPN 31-A-011-A-03-003-0

– **Lot Split / Redraw – PPN 31-A-011-A-03-005-0 & PPN 31-A-011-A-03-003-0**

Plans stamped received in Building Department 4/19/16

Plans reviewed by Building Department 5/2/16

This project was taken off the Agenda tonight due to the ownership changing hands. It is postponed until the deed is recorded and the new owner applies for it.

2.) August and Loretta Babuder, Trustees

2275 River Road - Protected Area Permit – PPN: 31-A-016-C-00-009-0

Plans received in Building Department 2/25/16

Plans reviewed by Building Department 2/25/16

Plans reviewed by City Engineer 3/29/16

Present: August Babuder

Owner/Representative Comments:

- We have a small farm at 2275 River Rd. We raise trees of all sorts, Christmas trees and horticultural trees, etc. The issue of the logging that took place in February, this Board and other institutions of the government of Willoughby Hills have heard a number of stories, etc., etc. about the subject. I have only a few questions if you don't mind.
- Inspections were made of the logged property over the past 10 days. First, 5 people including Mr. Aaron Kash from the Ohio Department of Natural Resources and Mr. Edgar from Department of Soil and Water Conservation of Lake County and members of this Board.
- First, when will I get the permit? What date?
- Second, did the logger apply and get a permit similar to what I have applied for?
- Third, reports have been made by all these inspectors. I have seen some on the email. Will report be made by the people who inspected the property a couple of days ago be read at this meeting?
Chagrin Valley Watershed

Chagrin River Watershed Partners (Keely Davidson-Bennett)

The site visit was completed by my boss, Heather Ulmer. I reviewed the pictures and we have discussed the recommendations of our organization. We suggest that the Board consider as condition of granting the permit that:

- Replanting is required throughout the Protected Area, especially along the river and in the steep slope areas of the Protected Area.
- Remove woody debris from the floodplain, although we think that the stumps that are still in the ground should be kept in place for erosion control.

Protect newly planted trees from herbivory and manage invasive species on the property so they do not become a problem. Protection can be done using tree tubes and other strategies. Tubes will help decrease deer browse and rubbing on the trees. Sometimes small rodents can girdle the trees. Invasive species are plants such as barberry that can take over, especially if there are disturbed areas.

(Smith) Several members of the Board visited the site.

Board Comments

(Lillich) You covered many of my concerns, particularly invasive species. Multiflora rose already had a good start in some areas. Decreased canopy cover encourages growth. In the flood way, we will want to inspect this at least once a year. It is not only wildlife that can cause damage. Spring floods and ice can eliminate or severely damage the young trees, even the trees that are meant to grow there. Another invasive species that takes over is garlic mustard. It modifies the soil which deters other plants. If Mr. Babuder agrees, he probably can get his permit. [no verbal response from applicant.]

(Smith) How do you suggest managing the invasive species?

(Davidson-Bennett) As they appear, you hit them with herbicide. That should be done in the most targeted manner. Backpack sprayer is preferred over broadcast spaying.

(Lillich) There are herbicides that are specifically designed for wetland areas. I do not know how effective they would on multiflora rose and barberry. I manage barberry in the Nature Preserve by uprooting it.

(Lillich) I have some comments on some of the criteria set forth by Chagrin River Watershed Partners and Soil and Water. There are a couple things I think we can waiver or disregard.

1.) All the skid rows I observed were almost flat. There was not tremendous disturbance by mechanical vehicles because it was done while the ground was frozen. That probably was why Mr. Babuder insisted that it was done during the winter. Thus far, there was no sign of erosion.

2.) No stream crossing were noted

3) Removing debris in the flood plain or sensitive area along the river or riparian setback definitely needs to be done.

(Hallum) If the permit is approved, what are the repercussions of that? It is not the job of this Board to assess damages. In this case the actions have already been done. My understanding is that we review what has already been done and make certain that it gets repaired properly.

(Smith) Any type of damages or charges is done by the legal system. By granting a permit, we are putting conditions on that permit by which it will be restored and taken care of.

(Hallum) Going forward, it gives the City some 'teeth' and reassurance to our residents that the affected area will be repopulated, protected and brought back with no further damage being done.

(Smith) One of the suggestions we heard earlier is that we inspect it once a year. We need to specify how many years and give the Building Commissioner direction to inspect the property.

Building Commissioner's Comments (Wvss):

A summary of my report was given to the Board. I had the opportunity to view the property on two separate days. The first day was fairly dry. After the rains last weekend it was a floodplain.

It is a very unique area. It slopes toward the hillside. There is a stream directly at the base of the hillside. It is very wet. This was not logging. Classic logging is clear-cutting a whole hillside for maximum harvest. This was a limited tree harvest of mature trees. The rest of the tree canopy is untouched. I walked the property with Aaron and Chad. Aaron's only comment was that the area next to the river is a little bare. It is most important to maintain a tree canopy next to the river because it keeps the water temperature down. The temperature of the waters flowing into Lake Erie is the main concern. Fluctuating temperature of the water in the summer time causes the green algae bloom. The property as it sits today has tree tops, brush, rejected logs and cut firewood stacked right by the river. We have a normal 120' Riparian setback in any watercourse the size of the Chagrin let alone the Floodplain which adds to the Protected Area in our Ordinance.

My advice as Floodplain coordinator is the area from the logging road to the river should be completely cleaned up. The brush can be mulched with a chipper. In the history of Willoughby Hills, we have never had a 100-year flood back to the 1830's that would have flooded that area. Usually we have had 60-year floods. Last summer I supervised clearing of vast amount of brush at the Dodd Rd. Bridge. That was from normal tree falls.

The Board can vote to issue a permit with conditions. The penalty provisions in 1167 can only be exercised if Mr. Babuder had a permit and did not comply with the permit requirements. He has no permit. All legal penalties regarding compliance with our Code are the responsibility of the Law Department. It should not enter into the discussion this evening. Issuing of the permit does not preclude the Law Department's decisions.

It is paramount for Mr. Babuder to cooperate with this Board and the City. It is apparent to him that the City does have an Ordinance and has jurisdiction to enforce it. He will need to come before this Board again to get a permit for harvesting of any trees in the future. We respect Mr. Babuder for having his property and, in this case, benefiting from it. However, he needs to comply with the ordinances. These are ordinances also common to other communities that border the Chagrin River.

During reviews of zoning codes in the future, the Board could look at this ordinance so it is clearer about timber harvesting

Chad Edgar told me that if Mr. Babuder had obtained their timber harvest permit, their intent in their permit is to protect Mr. Babuder from neighbors complaining about the timber harvest. However, it urges that you be a master logger and do best BMP. The Board has reports that state, according to Aaron Kash and Chad Edgar, that good logging practices were done in this case, from what they viewed.

(Lillich) I would agree. It is a little hard to tell because the leaves are not full out yet. As far as canopy cover goes, it is a little more than adequate but I have seen a lot worse. I think they are on the right track with what they are trying to do. The other thing I would like to bring up is, I think it would

behoove us and Mr. Babuder to agree on this tonight, because we are fast approaching the season when he will have to wait to plant until next year. I hate to see this go through three seasons again without anything getting started.

(Zawatski) I had many concerns at last meeting. I did walk the property. It was not as bad as I anticipated. I see how it can be brought back. However, I do hope that our Law Director looks into this. Ignorance to the law is no excuse. I agreed that the permit needs to be issued. The project needs to move forward. I do applaud what Mr. Babuder did down there but really have issues with the way it was done.

(Wyss) Proposals for any conditions on our permit?

(Smith) Yes, we could do that.

(Lillich) I was going to put the conditions in my motion. I want to ask everybody to help me so I don't miss anything.

(Smith) Got it.

(Hallum) Quick question: Because the ground is now much softer than it was in February, when they come to remove the remaining debris and logs, is there anything that needs to be in this condition [#3] to allow for whatever may happen as a result of that work.

(Lillich) That is a good thought. My thought is in #4.

(Hallum) Tubing and all that?

(Lillich) Should be part of Best Practices.

MOTION: John Lillich moved to approve the permit for Mr. Babuder's harvesting operation at 2275 River Road with the following conditions:

- 1 Remove the slash tree tops, all brush, wood and all debris completely from the logging road to the river but leaving the stumps. When we get back to where the Riparian Setback corridor goes further back than that, anything over 6 inches should be removed from that area.
- 2 Any disturbed areas and particularly the area (landing sites) where the logs are being stored and picked up must be seeded, mulched and restored. That includes any areas along the operation that appear to be devoid of any new plant growth.
- 3 Follow the Good Housekeeping Best Practices for Restoration of Logged-Out Areas discussed by the Chagrin Rivershed Partners. A copy of those Practices shall be attached as part of this motion. Tubing and protection of new trees is part of best practices.
- 4 Enroll in the Forestry Management Program prior to being granted the permit. The Building Commissioner will be allowed to do one inspection following the completion of the permit to make sure the work was done in compliance for the Protected Area Permit at 2275 River Rd. From there on, it will be covered by the Forestry Department
- 5 Follow-Up Inspections: We need to make arrangements for a minimum of one Follow-Up inspection per year. Those inspections shall be ongoing for the next 10 years to be certain that these conditions and policies are followed.
- 6 Exemplified in the Good Housekeeping Practice, be certain that the restored areas are protected from deer browse and all invasive species (example: garlic mustard, barberry, multiflora rose, privet and honeysuckle)
- 7 There should be minimal use of mechanized machinery. Hand operated tools, like chain saws and muscle power should be used. No tractors, bulldozers or large machinery should be used to haul the debris away.

Seconded by Joseph Zawatski

Additional Discussion:

(Wyss) Before the Board votes, the Board should hear what Mr. Babuder's plan was for re-vegetation and maybe nail down some specifics regarding this what the Board feels that they should be.

(Lillich) Do you want to tell us what your plans were?

(Babuder) I specified my plans in the application some time ago and I cannot have further comments at this point on any of these issues discussed at this time.

Voice Vote: 5 Ayes and 1 Nay (Tyler)

Motion Passes: 5/1

UNFINISHED BUSINESS

None

NEW BUSINESS

- Mr. Zawatski resigned from the PCABR.
- Mr. Zawatski noted that four of the City Councilmen attended this meeting.

(Smith) Thank you for your time and volunteer service to our community. It is much appreciated.

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Hallum)

None

BUILDING COMMISSIONER'S REPORT

My job is very stressful. I serve the city in a number of different capacities. I am a certified Flood Plain Manager; the only Building Inspector that the City has had that got that certification. I am a fully certified Residential Building Official, certified by the Board of Building Standards. By that certification, I am fully capable of inspecting any building in the residential area. As Zoning Administrator, I try to enforce a very thorough zoning code that has been implemented since 2006. I interpret that code in a liberal manner

I rely on the PCABR and the BZA to interpret the codes that I give you that are pertinent to the projects. The Code should be considered a breathing instrument

Regarding tonight's proceedings, I met personally with those residents before tonight. When residents express interest in projects, I expect them to look at projects in the same manner that we all do. There was a lot of emotion, conjecture and imagination at this meeting. It was difficult with residents speaking out of turn and attacking employees of the City. We should revisit the Similar Use and get more specifics. In the future, we could have the Hearing before the first meeting so concerns can be expressed during Public Portion and the owner can address them

[Building Commissioner was responding to question from unidentified person in the Public regarding his qualifications.]

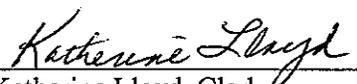
(Lillich) Thank you for the information that you send our way. It is very helpful. It does save us time.

CHAIRMAN'S REPORT

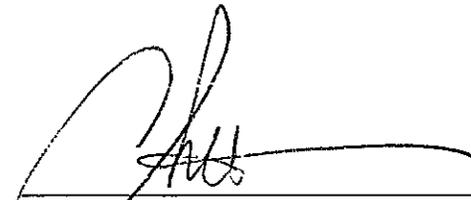
We are governed by Robert's Rules in many ways. In a public hearing like tonight, our job is to listen and allow the public to talk. We appreciate what the Building Commissioner does in public outreach very much.

MOTION: Joseph Zawatski moved to adjourn
Seconded by Michael Tyler
Voice Vote: Ayes Unanimous
Motion Passes 6/0

Meeting Adjourned at 8:58 P.M.



Katherine Lloyd, Clerk



Chairman

Date Approved 7-7-2016