

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

June 1, 2017

CALL TO ORDER 7:02 P.M

PRESENT: Chairman Christopher Smith, Vice Chairman John Lillich, Mayor Robert Weger, Councilman Christopher Biro, Jonathan Irvine, Michael Tyler and Michael Kline

ALSO PRESENT: City Engineer Pietro DiFranco, BZA Rep John Klements and Clerk Katherine Lloyd

**Correspondence:**

Email dated 5/19/17 from City Engineer DiFranco RE: Protected Area Permit for Timber Harvesting (Silviculture) at 36900 Eagle Rd.

**Disposition of Minutes** Meeting of May 4, 2017

**MOTION:** John Lillich moved to accept minutes of May 4, 2017 as corrected.  
Seconded by Michael Tyler  
Voice Vote: Unanimous  
Motion Passes. 7/0

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:04 P.M.**

No Comments

**Public Portion closed at 7:04 P.M.**

1.) John Racic

Agent/Contractor: Paul T. Znidarsic, TMZ Inc.

**2922 Lamplight Ln. – Detached 24 x 24 Garage – PPN: 31-A-005-J-00-004-0**

Plans received in Building Department 5/11/17

Plans reviewed by Building Department 5/22/17

**Present:** Tom Znidarsic (Contractor) and John Racic (Owner)

**Owner/Representative Comments:**

- The current 1 ½ car garage with no foundation to the rear of the property will be torn down. It will be replaced by a 24' x24' new 2-car garage located closer to the house.
- Color photo shown. Colors will match the house. The front will have brick wainscot with cedar siding like the front of the house. There will be vinyl on the other three sides.

**City Engineer's Comments (DiFranco):**

No Comments

Board Comments

- (Lillich) There is nice trim shown around the man-door and the window on the side. It is not shown around the garage door. We would like trim on all four sides of the garage.
- (Smith) The drawing shows the whole front being brick and a soldier course above the door. What you intend is different from the drawing? *Yes.*

MOTION: Michael Tyler moved approve the Detached 2-Car Garage at 2922 Lamplight Ln. with the notations on the Chairman's set of plans and as presented in the minutes.  
Seconded by John Lillich  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 7/0**

2.) Mary Turkalj

Agent/Contractor: Homeowner

**2964 Sherbrooke Valley Court – Pole Barn - PPN: 31-A-001-C-01-002-0**

Plans received in Building Department 5/24/17

Plans reviewed by Building Department 5/27/17

Present: Mary Turkalj

Owner/Representative Comments:

- The shed currently on the property will be removed. It will be replaced by a pole barn to be used for storage.
- The new pole barn will be 1157 sq. ft. in an L-shape. It will be 40' long on one side; 26' deep and the other side will be 35' deep. *(Smith) The vehicle will pull in on the 35-ft length which will be 40' wide? Yes.*
- It will be wood with vinyl siding and concrete below with about 2 windows. They want electrical and water. Sewers and electrical would have to be added. It will have overhead garage doors.

City Engineer's Comments (DiFranco):

The pole barn complies with zoning as far as setbacks and number of structures. They will have two structures and the code allows two structures.

Board Comments

(Smith) The drawings usually are more detailed. Drawings should show what will be built so the Board knows what is being approved. The drawings become a record. We may ask that the drawings be amended.

(Lillich) The plans do not show architectural detail, like overhangs.

(Tyler) The drawings do not show the windows or any information about them.

(Smith) We do not like to make people come back. *He got the list of materials with the prices.*

You plan to run water and electric out to it? *We would like to.* Will it be heated to protect the pipes? *It will probably be heated.*

(Lillich) All the electrical details need to be on the print so it can be approved by the electrical inspector. *He got prices from two places.* We would need to see drawing with ridge vents, ice guard, footers and details that the Building Inspector will look for. It is also a protection for the owner. *Her husband and sons could not be here tonight.*

(Smith) What you are doing is allowable under Zoning Code. Now you need to meet the Building Code. You need construction drawings. Requirements are detailed on the City Website.

(Lillich) There is a booklet in the Building Department.

(Smith) Applicant can also follow up by phone.

**MOTION:** John Lillich moved to postpone the Pole Barn at 2964 Sherbrooke Valley Court.  
Seconded by Michael Tyler  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 7/0**

## **PLANNING COMMISSION**

**Public Portion opened at 7:22 PM**

No Comments

**Public Portion closed at 7:22 PM**

- 1.) Michael J. Faber, Terry J. Faber and Eric D. Royce  
Agent/Contractor: Sawyer Logging, Inc.  
**36900 Eagle Rd. - Protected Area Permit for Timber Harvesting (Silviculture) –  
PPN: 31-A-010H-00-004-0**  
Plans received in Building Department 5/16/17  
Plans received by City Engineer 5/16/17  
Plans reviewed by City Engineer 5/19/17

Present: Bill Gubanyer (Sawyer Logging, Inc.)

Vice Chairman Lillich noted that the owners of records are not present to participate in discussions and decisions.

### City Engineer's Comments (DiFranco):

- Mr. DiFranco had a pre-submission meeting with Mr. Gubanyer and Mark Grubiss (WH). They also met with Chad Edgar of the Lake Soil & Water Conservation District. Mr. Edgar visited the site. He told Mr. DiFranco that he was satisfied with their plans. The applicant has completed the Timber Harvest Plan through the Lake Soil & Water District. That plan describes the steps the applicant will take for erosion control. Steps and Good Housekeeping practices were listed in the Engineer's review. Mr. Gubanyer has explained the intent of the project and the tree selection process. He has a contract with the property owner to perform the work. Based on these, waiver of the additional requirements in the Code and approval of the Protected Area Permit is recommended.
- After the recommendation was prepared, Mr. DiFranco was alerted to concerns from John Klements who is an expert in Silviculture and timber harvesting. Silviculture is a broad, extensive definition.
- Mr. Gubanyer plans to take proper measures to prevent damage and is knowledgeable in what he does. Approval is recommended.

### Owner/Representative Comments:

- There are three owners.
- Pictures of the property from December, 2016 were shown and discussed. The intent of the project and the tree selection process was explained. The ground footage map was explained. 12-15 years ago, there was a timber harvest on this property. Large oaks were left. There is concern about damage to the ground and other trees when they go down. He has evaluated the canopy and

estimates about 80% will be left after removal of about 14 trees along the crest and about 50 on the top. That includes the cull trees. He keeps a count and goes by footage. Machine used for cabling and winching shown. Another machine brings trees to the landing.

Board Comments:

(Lillich) Do you know what the owner's long range plan for the property is? *Currently, he is raising chickens. He wants to open up the area so the chickens have more range.*

(Lillich) On the Harvest Plan, the name of the Forester is listed as 'not applicable'. *The owner is not under the Forestry COAD Plan where the forester guides the owner in management and harvesting. The State Forester is Aaron Cash.*

(Lillich) The State of Ohio will supply a forester at no charge. *Only for advice. Mr. Cash knows me and is familiar with how he operates. It is still the property owner's choice.*

(Lillich) The Director of Natural Areas and Preserves from ODNR walked Mr. Klements property recently. He commented that it was the nicest harvests he had ever seen.

(Klements) The EnviroMax (shown in pictures) is a wonderful machine. It was used in my harvest. Are you an Ohio Master Logger? *No, I have been in the business a long time. I have used a Master Logger in some of my jobs. Will you do the job yourself? My crew will be on the job. The crew is 90% Amish. Mr. Miller owns the EnviroMax; Mr. Gubanyer financed it. He does all the harvesting for the Osborne estate. The land owner needs to choose the right logger who will take care.*

(Klements) My concern is not just the harvest. He read about Silviculture from the Protected Area Ordinance, Section 1167 on pages 492 and 493. Silviculture and Timber Harvest are not the same. Harvest is a valuable tool in managing a forest. It is not intended to obstruct Silviculture. In order to apply for exemption in the Code, evidence of Silviculture program must be demonstrated. Identification of the type of seed source, light coming through and the impact on the next generation and the future of the forest is needed. The purpose of the Silviculture exemption is for the property owner who is actively trying to manage his property. I would like to see evidence of Silviculture practice before I am comfortable that the request complies with the Code. Scheduling an evaluation by a State Foresters could take some time. There are private foresters for hire. People who are interested in managing their property in the long haul will get a professional for guidance and planning. Mr. Gubanyer appears to do wonderful work; he has the best equipment in the area and seems to run it correctly. My issue is with interpretation and compliance with the Code.

(Lillich) I agree that the exemption does not apply unless there is a management plan. This is why we encourage the owner to be present.

(DiFranco) I think the risk is that there are over 50 trees outside of the Protected Area and 14 in the Protected Area. If Mr. Gubanyer does not do this, the property owner could hire someone who would tear up the land.

(Klements) The Protected Area is any slope greater than 30%. The vertical distance of the slope must be measured. It looks like 80 feet of vertical distance on the topographical map. It would include 40 feet from the top and 40 feet out from the bottom. On that map, the skid rows are in the Protected Area. *There are existing roads in that area. I was unaware the existing roads were there. I have never been on the property. The County people do not look at the municipal ordinances. I have worked with private foresters. I have had people drop out of the Forestry program in order to harvest and sell their timber. If not cut, the big trees in the Protected Area will fall over and smash other tree in the ravine. Are you asking the owner to join the Forestry Program. I am asking that a practicing, professional*

forester be involved. He would develop a management plan for the property owner for the long term, biological health of the forest. *Kirtland asked Aaron Cash to be involved with the Osborne property. He gave verbal approval to me (Gubanyer)*

(Klements) The City is looking out for the best interests of the owner and the neighboring property owners. They are trying to maintain a healthy biological balance of the woodland.

(Tyler) Is there a forester in our areal who would come if asked?

(Klements) Aaron Cash is the State Forester assigned to Lake, Geauga and Ashtabula counties.

*(Gubanyer) His schedule is always backed up. A private forester would charge.*

(Lillich) Do we waiver the requirements of Silviculture? The City has had one ongoing timber harvest in the Floodplain that has taken months because it was done without permit. We do not want to set precedence for anything in the future. My inclination is to go by the book here. A letter from him would help.

*(Gubanyer) Two other residents have contact me. I told them to wait until this one is resolved.*

(Klements) The owner has not indicated willingness to be involved with this. He only signed the contract. There are three owners.

*(Gubanyer) Soil and Water does not require the owner's participation. He has health issues and left it for me.*

(Lillich) How would you feel about postponing this while you (Gubanyer) contact the owner?

(Tyler) I prefer to have a Forester involved.

(Lillich) Postponement would allow the owner to have an opportunity to see a Forester and get a letter of intent from him to practice Silviculture on his property.

MOTION: Michael Tyler moved to postpone discussion of the Protected Area Permit for Timber Harvesting (Silviculture) at 36900 Eagle Rd. due to the property owner not being present and the involvement of a Forester for Silviculture practices.  
Seconded by John Lillich  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 7/0**

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

None

#### MAYOR'S REPORT

None

#### COUNCIL REPRESENTATIVE'S REPORT (Biro)

There will be a meeting of the Planning and Zoning Committee of Council directly after the PCABR to discuss 'keeping of horses'.

#### BUILDING COMMISSIONER'S REPORT

None

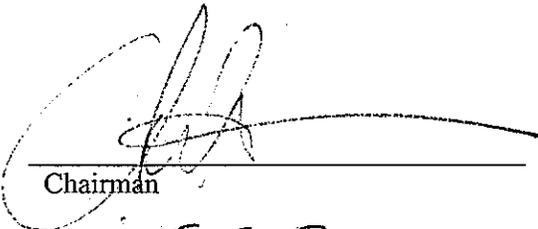
#### CHAIRMAN'S REPORT

None

MOTION: by John Lillich moved to adjourn the meeting.  
Seconded by Michael Tyler  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 7/0**

Meeting Adjourned at 8:03 P.M.

  
\_\_\_\_\_  
Katherine Lloyd, Clerk

  
\_\_\_\_\_  
Chairman  
6.15.2017  
\_\_\_\_\_  
Date Approved