

City of Norton
PLANNING COMMISSION
Tuesday, July 2, 2013

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Spisak called the meeting to order at 6:00 p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, Ralph Dowling, Dan Grether and Larry Chiavaroli,
Scott Testa

EXCUSED:

ALSO PRESENT: Russ Arters, Supt. of Bldg. & Zoning

II. PUBLIC APPLICATIONS:

Application SPR5-2013
Major Site Plan Review
The Fathers House, Owner
Weaver Commercial Contractor, Inc.
John Fiala, Agent
Regarding property known as:
4075 Wadsworth Road
PPN – 4601149 and 4601150
[Site Plan for a New Church]

Chairman Spisak stated this was a public hearing and asked if the neighbors were notified via first class mail as required per section 6.03 of the City Charter; the secretary replied yes.

Chairman Spisak asked the applicant to stand at the podium and address the Commission. Mr. John Fiala, 2148 Eagle Pass, Wooster, OH, 44691, of Weaver Commercial Contractors, Inc., spoke as the Agent for the Father's House. He stated the church would be a single story building with 35 parking spaces. He said the church currently has approximately 40 members. He said the church does a Food Pantry once a month and that the current house on the property will serve as a residence for the pastor. He also stated the property had gotten approval from the Health Department. Chairman Spisak asked if the Food Pantry was a meal served from the kitchen or a boxed meal. Mr. Fiala stated it was a boxed meal. Mr. Grether stated he understood this was a Site Plan Review but asked Mr. Arters if storm water ran across the street to a

storm water retention pond. Mr. Arters stated yes, there is pipe under Wadsworth Road for storm water drainage. Mr. Grether asked if there was any leaching that came out of the septic mound system. Mr. Fiala stated there can't be any leaching back into the ground. He stated the Health Department and the EPA will not allow any leaching. Mr. Grether asked about the set-back of a side yard corner lot. Mr. Arters stated it is 30 feet plus Right-of-Way, which would equal 55 feet. He stated the front yard is 60 feet. Mr. Dowling asked if the proposed mound system was a replacement system. Mr. Fiala stated it was not a replacement. He said the EPA requires an alternate area in case the mound system fails and that alternate area would be the front. He stated mound systems last approximately 60 years. Mr. Dowling asked where the trash dumpster would be. Mr. Fiala stated it would be in the back corner by the mound system. Mr. Grether asked if there was going to be a gravel parking area. Mr. Arters stated we encourage gravel for water run off but a hard surface is required for the handicap area. Chairman Spisak asked how far back the driveway would be. Mr. Fiala stated 15 feet or whatever the Board would like it to be. Mr. Testa asked if there would be landscaping on the north end. Mr. Fiala stated the mound system would be 6 feet tall and would be grassed. Chairman Spisak asked about the shrubs, etc. on the east lot line. Mr. Fiala stated the existing plants, etc. already done by the existing neighbor were on the church's property. He stated the church would not disturb that area. Mr. Dowling asked if there would be a curb at the driveway. Mr. Fiala stated there would be no curbs at the driveway, but there would be catch basins. Mr. Fiala then showed the Board and audience an artist's rendition of the final building of the church. Mr. Fiala said the church will be very basic and will have an HVAC system on each side. Mr. Dowling asked if Mr. Fiala had a final floor plan to show the Board and audience. Mr. Fiala showed the audience and Board the final floor plan. Mr. Dowling asked if the church was busy with other activities. Pastor Mike Guarnieri, 4075 Wadsworth Road, Norton, OH, 44203, approached the podium and stated at the church's Food Pantry, the church serves 10 to 12 and the event lasts about one hour. He said the church has 2 services on Sunday plus one other service. He stated the church has no other plans for more parking. Mr. Grether asked if Hillier Road was a dead end road and if there would be parking on one side. Mr. Arters stated it would be up to the Police Department and their restrictions in regards to parking. Mr. Grether stated the 6 foot mound system may be intrusive and could it be made smaller. Mr. Fiala stated 6 foot is not required from the County, they require only enough to cover the pipe. Chairman Spisak stated that a mound system does blend in with the area once the grass grows.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. Paul Reese, 4052 Wadsworth Road, Norton, OH 44203, approached the podium. Mr. Reese stated he lives directly across the street from where the church would be built. He asked the Board if they also received a copy of a letter from Mr. and Mrs. Calhoun. The Board all said they did receive this letter. Mr. Reese stated he has a lot of flooding in his back yard and that the water flows east and floods other areas. Mr. Reese stated he brought pictures of the flooding in his property if the Board would like to look at them. He stated the traffic on 261 is bad from the Wadsworth Crossing Development. He said that the neighbors have asked the Post Office to put their mailboxes on their own side of the road now because the traffic level is so high. He asked why the City and Board didn't check with the neighbors before this is built. He stated he wondered what would happen to the value of the neighbor's homes and would it actually de-value their homes. He also asked if the mound system kept the septic actually inside the mound. Mr. Arters stated the septic is held within the mound system

and dissipates inside the mound. He said the system is self contained but the Summit County Health Department could answer any of his questions. Mr. Reese asked if there would be a grease trap in the church's kitchen and would that also go into the mound. Mr. Arters stated yes, they have a grease trap and it would go into the mound system. Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. William Ruddoc, 4113 Wadsworth Road, Norton, OH, 44203 approached the podium. Mr. Ruddoc stated this mound system was not being offered to anyone in the Nash Heights area. He stated that there were cars lined up for the Food Pantry and that no one on the Board would want that beside them. He stated that if an ambulance or emergency vehicle needed to access to Hillier Road, they might not be able to get through.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. Jay Feesler, 4042 Wadsworth Road, Norton, OH 44203 approached the podium. Mr. Feesler stated that water also floods his back yard and is a great problem. He asked if there were three parcels combined for this church to build on. Mr. Arters stated three parcels were combined. Mr. Feesler stated for one and a half (1-1/2) acres, having two septic systems and two homes seemed like it would not be a good idea.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Ms Audrey Kornacki, 3008 Dutt Road, Norton, OH 44203 approached the podium. Ms. Kornacki stated the lot was too small for the church. She stated that one and a half (1-1/2) acres wasn't a big enough lot for the City to allow them to add a second story to her home. She stated the septic system has to carry too many people with the church. She stated the residents cannot do this type of build so why is the City allowing this to go in her area.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. Rick Rogers, 4047 Wadsworth Road, Norton, OH 44203 approached the podium. He stated the church would be creating a hardship on the neighboring residents and wanted to know why the church isn't looking at rebuilding on the same lot their church burnt down on. He also stated the neighbor would be losing part of their driveway. Mr. Fiala stated no, the neighbor would not lose that area. He stated the landscaping they had there would stay, which would be creating a buffer. Mr. Rogers stated that 176 people were allowed in the church. He asked what would happen if in two years there was a problem and the mound system was overwhelmed. Mr. Arters stated if the parking or septic were used in excess, then possibly two church services and/or additional parking would be required at that time. Mr. Rogers stated he saw problems down the road in this area and a hardship on the neighbors. Mr. Rogers stated that the church already had a permit to drill a well on the property. Chairman Spisak stated this was a Site Plan Review and the Board cannot deny a church this location because it is an approved use for this lot and the owner has the right to put what they want on the property as long as the Site Plan applies. Mr. Arters stated that the use doesn't stipulate occupancy.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. Dave Watson, 4035 Wadsworth Road, Norton, OH, 44203 approached the podium. Mr. Watson stated he did not want to look at parking lots and gravel every day. He stated the mound system might run into the neighbor's property

and didn't know how the septic system could handle 2 people flushing 2 times and hour. He said the septic system would not handle that. He said if he wanted to sell his house in 10 years, he would not be able to. He stated he would like to have a family picnic in his back yard and won't be able to do that now because they will be looking at a parking lot. Chairman Spisak stated that any change is upsetting, in any neighborhood. Mr. Watson asked Chairman Spisak if he would like to live next to this church. Chairman Spisak stated he could not answer that question. Chairman Spisak stated the mound system had been approved by the Summit County Health Department. Mr. Watson asked for the phone number to Summit County Health Department. Mr. Arters gave Mr. Watson the phone number and a contact person to help him with his questions. Mr. Watson also stated that the side road was tight and an emergency vehicle may have a hard time entering this area.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Ms. Charlotte Whipkey, 4624 Albert Avenue, Norton, OH, 44203, approached the podium. Ms. Whipkey stated she was not in the neighborhood. She said she was here as Council at Large and she didn't believe the Wards Councilman would be here. She said she had some concerns about this, expressed by residents. She said her first question was, from what she was understanding is, it does not matter what these people have to say, that your decision is purely based on these plans and whether they reach code. Chairman Spisak said what the Board was reviewing here was a Site Plan Review. He said he did not know what Ms. Whipkey expects us to do beyond that. He said this is a hearing on a Site Plan Review, which means we cannot deny the use of that parcel for what is approved by the ordinances, and what the owner intends to do with it. He said it was all in compliance. He said all that we can do is look at it and make sure the Site Plan conforms to our regulations. Ms. Whipkey said so, what I just said, the only thing you get to do is rule on what's in front of you and that these people have made some opinions known, but other than that, it can't change anything that you rule on. Chairman Spisak stated they had no authority. Ms. Whipkey stated that was correct, that was what she thought and said to the audience, that's what I wanted you to understand. Ms. Whipkey turned to the audience and stated you've wasted your time. She said she wanted to go on and find out who does have the authority. She said the BZA (Building & Zoning Appeals Board) is not involved; they would be the perfect one to answer this question, due to the fact that there is no zoning to be changed. Ms. Whipkey turned to the audience and stated, no recourse to the zoning. She said it all comes down to if it's good, you have to say yes. She said I understand that, she said she also understands these peoples frustration and the frustration many of them feel. She said what she would like to know is just what is the total acreage including the house, where the church is, because this is all going to be one piece of property, correct. Chairman Spisak stated that the lot was 2.82 acres. He asked the agent if that was correct, from what he was reading off the Site Plan. Ms. Whipkey stated that was not 2.82 acres. She stated it was 1.5 acres. Chairman Spisak asked for order. There was general discussion on the board on the correct acreage. Ms. Whipkey stated only the 1.52 could actually be considered for the building of this. She said that would include acreage of where the house sits, yes? Mr. Arters stated he did not think that included all 3 lots. Mr. Grether asked Mr. Fiala that according this site plan, the parcels listed, is an acreage of 1.50 zoned R-1. Mr. Grether asked if that was correct. Mr. Fiala stated it was printed on the bottom of the printed Site Plan of the left hand site. Ms. Whipkey stated that in other words, we're gonna have 2 separate septic systems, am I correct in saying the house has its own septic system, and is that there is

also the mound system. Ms Whipkey said she did know in her own neighborhood, probably 10 years ago there was with less of a better word, a developer, bought a lot and it was more than this acreage and what he wanted to do was put 2 septic systems on this plot because there was a front house and a apartment complex over the garage in the back yard. She said he was denied that. She said she did know the people came to Council and they screamed and they yelled and he didn't get his 2 systems put in on the lot. She said she understood your hands are tied and she understands your zoning problems. She said it tells me that instead of being able to worrying about looking into some of these backyard's for their trash, what we ought to be looking at is the zoning laws, saying that if you have the capacity to hold 176 people, that's the way the parking should be rearranged as opposed to the square footage. She said there was also legislation put into the past and I know this is more for their benefit than it's yours because I know this is out of your hands, so to speak. She said there was legislation being looked at to pass that if you had a business within a residential neighborhood, you were limited to 5 cars a day. I understand this is not looked at as a business. Mr. Arters stated he did not know what legislation she was speaking about. Ms. Whipkey stated she could look it up for him. Mr. Arters stated she was referring to Home Occupation. Ms. Whipkey said yes. Mr. Arters stated a Home Occupation is in a residential area as a Permitted Use. Ms. Whipkey stated she understood this but her point is that the Home Occupations do not have near the capacity, you're talking about having a driveway off of a private road, so that might be something to be considered at this point too. She said this may not be considered a business but this is something that should be looked at if not for this instance, it would be for another. She stated I have no right to do this, but I will. Ms. Whipkey turned to the audience and stated she did not know why they are not using the property that they already had, I don't know as a church Chairman Spisak was gaveling Ms. Whipkey as she spoke, to address the Board and not the audience. She said they should have consulted with the citizens Chairman Spisak continued to gavel over Ms. Whipkey's sentence and told her she was done. Ms. Whipkey stated she was done, and she knew it. She said thank you and turned and left the meeting.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. Jay Feesler, 4042 Wadsworth Road, Norton, OH, 44203, approached the podium. Mr. Feesler asked what the 2 or 3 lot set-backs would be on this corner lot. Mr. Arters stated with 3 lots a variance was needed. Mr. Fiala stated the church is looking at 3 lots with the pastor's house.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Ms. Patricia Reese, 4052 Wadsworth Road, Norton, OH, 44203, approached the podium. She stated the Board should just say, this is what's going to happen in your neighborhood. It didn't seem right the church could go anywhere they wanted to.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Pastor, Mr. Mike Guardieri, 4075 Wadsworth Road, Norton, OH, 44203, approached the podium. He stated the church chose to build at this site because the last lot was triangular and the new site would allow more parking. He stated the church loves the community and will help the neighbors with anything they would need. He stated the building fire was devastating to the church and that the church will help the community and neighbors in anything they would need.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr Ruddoc, 4113 Wadsworth Road, Norton, OH, 44203 approached the podium. Mr. Ruddoc asked what the procedure would be for a No Parking Sign for Hillier Road. Mr. Arters stated the Administrative Officer and the Police Department would be able to help with that issue.

Mr. Dowling asked about the detention basins on the church drawing. Mr. Fiala stated there were detention basins. He stated there were downspouts and catch basins to assist in water drainage.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission.

Chairman Spisak asked if the Commission members had any other questions for the applicant; no one spoke.

Chairman Spisak asked if anyone wanted to speak for or against the application; no one spoke.

Chairman Spisak asked for the second time if anyone wanted to speak for the application; no one spoke.

Chairman Spisak asked for the third and final time if anyone wanted to speak for the application; no one spoke.

Chairman Spisak thanked the Applicant.

Chairman Spisak made a motion to approve; Mr. Testa seconded the motion. ROLL CALL: Chairman Spisak-Yes; Mr. Testa-Yes; Mr. Dowling-Yes; Mr. Chiavaroli-Yes; Mr. Grether-Yes. The motion carried 5 - 0.

**Application SPR6-2013
Major Site Plan Review
Dollar General Store
OIG Limited, Owner
Jason Pokorny – Agent
Eastern Road and Hametown Road
PPN - 4600358
[Site Plan for a New Dollar General Store]**

Chairman Spisak asked the applicant to stand at the podium and address the Commission. Mr. Jason Pokorny, 5910 Warrell Road, Solon, OH, 44691, spoke as the Agent. Mr. Pokorny stated they were proposing an asphalt parking lot. He stated water will flow to the east toward the retention basin, which was standard for storm water flow. He stated they had met with the EPA and will have an approval letter for a well location. He stated they would be submitting a plan with a new well which would show it on the southeast corner of the building. He stated the dumpster is on the northeast corner of

the building. Mr. Grether asked if the east lot was the closest neighbor. Mr. Pokorny stated it was.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission. Mr. Rick Miller, 5372 S. Hametown Road, Norton, OH, 44203, stated the aquifer flows east to west and his water flow has been cut in half and his water is now rusty. He asked where the water would flow now. He stated the rain water is still there and it's been one week since the rains. Mr. Arters stated there was a drainage issue there and that the Engineer was looking at. Mr. Miller stated there was only a 12 inch corrugated pipe there. Mr. Arters stated that the City does have a petition to have water in that area. Mr. Miller stated the water was stressed there, the roads were crumbling and the trucks could not make the corner at Hametown Road and Eastern Road. Mr. Arters stated the City would look into the issue. Mr. Grether asked if the Board could put a condition on this application. Chairman Spisak stated the Board could. Mr. Pokorny stated the store would have 3 to 4 employees, if busier, possibly 6 to 8 employees. He stated the store would have one truck a week for deliveries, but that could increase if the store has more sales. Mr. Dowling asked if the lighting in the parking lot would be on after 9:00 pm. Mr. Pokorny stated the general lighting was pointed toward the building. Mr. Dowling asked if this plan had access for truck turn-arounds. Mr. Pokorny stated it did have access for trucks to pull in and back up to the building. He stated the trucks could then pull straight out to leave. Mr. Miller asked the agent if he could see where the store entrance was on the plans. Mr. Pokorny showed Mr. Miller and the audience the entrance plans.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission.

Chairman Spisak asked if the Commission members had any other questions for the applicant; no one spoke.

Chairman Spisak asked if anyone wanted to speak for or against the application; no one spoke.

Chairman Spisak asked for the second time if anyone wanted to speak for the application; no one spoke.

Chairman Spisak asked for the third and final time if anyone wanted to speak for the application; no one spoke.

Chairman Spisak thanked the Applicant.

Chairman Spisak asked for a motion; Mr. Grether made a motion to approve, Mr. Dowling seconded the motion. ROLL CALL: Mr. Grether – Yes; Mr. Dowling-Yes, Chairman Spisak-Yes; Mr. Chiavaroli-Yes; Mr. Testa-Yes. The motion carried 5-0.

**Application SPR7-2013
Major Site Plan Review
Eternal Paws
WMPAS, Owner
Christine Laliberte, Agent
3102 Wadsworth Road
PPN - 4603954
[Site Plan for a New Pet Crematorium]**

Chairman Spisak asked if anyone would like to stand at the podium and address the Commission. Ms. Christine Laliberte, Agent, 3102 Wadsworth Road, Norton, OH, 44203, stated she had added an addition on to the back of her building and made a Pet Crematorium. She stated the front of the building would be for a chapel or service. She said currently a client takes their pet to a vet to have this service done. She stated she would like to offer more services to her clients. She stated her plan is to upgrade and beautify the building and to match the current building. She said they also plan to concrete an area for parking. She stated she was happy to present this presentation to the Board. Chairman Spisak asked if the new part of the building is where the equipment would be. Ms. Laliberte stated yes, it is. Chairman Spisak asked if this business was regulated by the EPA. Ms. Laliberte said yes. Mr. Arters asked Ms. Laliberte to email him the information from the EPA. Ms. Laliberte stated she would. Mr. Grether asked if the existing structure with the furnace was approved with zoning. Mr. Arters stated all was approved through zoning. Mr. Grether asked if this would be black smoke, where would the smoke go and what kind of impact would this be to the neighbors. Ms. Laliberte stated there were many filters on the unit and that McDonalds or Burger King actually put out more emissions. She stated there was no black smoke. She said the unit itself was very expensive and had many safety features. Chairman Spisak asked if the building had plenty of parking spaces. Mr. Arters stated it did have enough spaces. Ms. Laliberte stated there would not be much traffic to the business since she would be doing the pick-ups. Chairman Spisak asked about if there would be a sign on the building. Ms. Laliberte stated she would meet with Mr. Arters on signage. Mr. Dowling asked what the hours would be on the business. Ms. Laliberte stated she would be open everyday, but at first would not have retail hours. Mr. Dowling asked what would happen to the cremains. Ms. Laliberte stated most cremains return to the client, but there is a facility to take them if the client does not want them returned. Chairman Spisak asked how big of an animal the unit could cremate. Ms. Laliberte stated up to 200 pounds. Mr. Dowling asked if Ms. Laliberte was certified to work with this unit. Ms. Laliberte stated she was certified and already had one employee certified. She stated she will require all employees to be certified.

Chairman Spisak asked if anyone would like to stand at the podium and address the Commission. Mr. Jeff Rummer, 3276 Whipple Ave, Norton, OH, 44203, stated he was Christina Laliberte's neighbor on Whipple Avenue. He said he welcomed them to the neighborhood and that Ms. Laliberte had already spoke with him and helped him with all his concerns. He stated he lives less than 200 feet from the incinerator. He stated he felt she had done her homework. Mr. Rummer showed a picture of the cremation unit to the Board (see attached). He stated she had also shown him a copy of her license and approvals with the EPA. He said the unit appears to put off no odor.

Chairman Spisak asked if anyone would like to stand at the podium and address the Commission. Mr. Steve Piescik, 3092 Wadsworth Road, Norton, OH, 44203 stated he considers this to be a professional business. He said he is seeing the area improve and this could eventually include sewer and water. He stated this was great for the area. He thanked Mr. Arters for directing the people to business and improving the City.

Chairman Spisak asked if anyone would like to stand at the podium and address the Commission. Mr. Niles Reinfeld, 2937 Carl Street, stated he was the Chairman for Norton Business Development Task Force. He stated he too appreciated the Board and their help with businesses in the area. He stated the old signage pole in front of Eternal Paws would be nice if they could keep it standing. He stated it adds historical appeal to the Loyal Oak area.

Chairman Spisak asked if anyone else would like to stand at the podium and address the Commission.

Chairman Spisak asked if the Commission members had any other questions for the applicant; no one spoke.

Chairman Spisak asked if anyone wanted to speak for or against the application; no one spoke.

Chairman Spisak asked for the second time if anyone wanted to speak for the application; no one spoke.

Chairman Spisak asked for the third and final time if anyone wanted to speak for the application; no one spoke.

Chairman Spisak thanked the Applicant.

Chairman Spisak asked for a motion; Mr. Grether made a motion to approve, Mr. Dowling seconded the motion. ROLL CALL: Mr. Grether – Yes; Mr. Dowling-Yes, Chairman Spisak-Yes; Mr. Chiavaroli-Yes; Mr. Testa-Yes. The motion carried 5-0.

III. OLD BUSINESS:

Chairman Spisak continued to general discussion under old business. The Chairman started general discussion on the Zoning Data Sheet. He stated the Board was still working on revisions and will review these at the next meeting.

Chairman Spisak stated Board member Mr. Scott Testa would be leaving the Planning Commission as a representative for the Parks and Cemetery Board.

IV. NEW BUSINESS;

Chairman Spisak asked if there was any new business.
There was none.

V. CONSIDERATION OF MINUTES:

Chairman Spisak asked if there were any corrections or additions to the minutes from June 11, 2013. Being none, Chairman Spisak made a motion to approve the minutes from as written. Mr. Grether seconded the motion. **ROLL CALL: Chairman Spisak-Yes, Mr. Grether-Yes, Mr. Dowling-Yes, Mr. Chiavaroli-Yes, Mr. Testa-Abstain. Motion to Approve passed 4-0-1.**

VI. ADJOURNMENT:

With no further business before the Commission, Chairman Spisak announced the next scheduled meeting will be Tuesday, July 9, 2013, and adjourned the meeting at 8:40 PM.

Planning Commission Chair/
Vice-Chair

Planning Commission Vice-Chair/
Member

Date

*** ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF COUNCIL ***