

Garrettsville Planning Commission

August 4, 2011

At 7:00 pm Chairman Hadzinsky called the August meeting of the Garrettsville Planning Commission to order, with Mayor Moser, Jerry Kehoe, Solicitor Stuck, and Zoning Inspector Jan Boehm present. Members Don Harvey and Gretchen Cram were absent.

Chairman Hadzinsky requested a motion to approve the July minutes. The Garrettsville Planning Commission minutes of July 7, 2011, were approved when Mayor Moser motioned to approve and Jerry Kehoe seconded the motion.

Vote: Ayes - Unanimous

Ms. Tammy Fitz, Manager of Rite Aid, 10764 North Street, was in attendance to request a Certificate of Appropriateness for a 40' grey storage trailer for the storage of Christmas merchandise. The proposed trailer would be placed in the back of the store located by the trash dumpsters, from September 1, 2011, to December 1, 2011. The intended location was discussed as last year's storage trailer was placed in a different location from the proposed site requested by the application for the Certificate of Appropriateness. Ms. Fitz assured the Commission the proposed trailer would be placed at the intended location this year.

Jerry Kehoe motioned to grant the Certificate of Appropriateness for the 40' storage trailer for the time and location indicated above; Mayor Moser seconded the motion.

Vote: Ayes – Unanimous

Ms. Karen Honkonen, who is currently an employee of "Garrettsville Tobacco", located at 10661 Highland Avenue, in Garrettsville's R-2 zoning district, expressed interest in attending the Planning Commission meeting. Ms. Honkonen has seriously considered purchasing the business, and is interested in moving the business in view of the purchase, and requested input from the Planning Commission. Ms. Honkonen stated she wished to keep the business in Garrettsville; however, is looking for a more suitable location.

Mr. Kirk, from the audience and member of the Board of Zoning Appeals, enlightened the Planning Commission of the conditions under which the Board of Zoning Appeals granted the one year variance for the business to the present owner, Mr. Teter. The Planning Commission discussed the requirement for a change in the name of the Vendors license; Solicitor Stuck stated any new proprietor would be subject to the same conditions agreed by Mr. Teter.

Among several other suggestions, Ms. Honkonen was advised to contact a realtor who may know of any future commercial properties which may be rented.

Mr. Roger Cuffari, owner of the "Post Office property" at 10809 North Street, in Garrettsville's C-2 zoning district, was in attendance to request a fence permit from the Planning Commission for an already existing guard rail fence at the North Street property.

Chairman Hadzinsky questioned as to where the fence actually lies with regards to the property line and three various property lines from Garfield Plaza property, Cuffari's property, and the B & J Realty property owners of the Advanced Auto building and property. The area in question is the "pan handle" located within the properties.

Mr. Cuffari stated the fence is as close to the property line as possible and did receive permission from Mr. Wonders of Garfield Plaza. Mr. Cuffari stated he was sorry for not obtaining a permit prior to erecting the fence; however, was under the impression there was no need as this was private property.

Mr. Cuffari was asked if he had a survey for the property; an original "plot plan" circa 1950's was offered although the Planning Commission was unable to ascertain any existing property lines matching the existing guard rail from this document. Several pictures were reviewed which accompanied the fence application. Per Chairman Hadzinsky, after his investigation of last month, it would appear, the guard rail fence "cut across" two other lots, and the angle of the fence does not emulate the lot parameters. After a review of several other maps, i.e. a tax map, and satellite imaging, it appeared to the Planning Commission the guard rail fence cuts over two other properties and the current angle of the fence was not entirely on Mr. Cuffari's property.

At this time, Mr. Cuffari stated the reason for erecting the fence was the number of cars using his property as a cut through from the Plaza to North Street has damaged his pavement from \$600. to \$800. in subsequent yearly maintenance. Mr. Cuffari also stated he felt there is a safety issue with the speed in which the cars drove through the property.

Chairman Hadzinsky stated the Planning Commission still needs to know where the fence actually lays; believes it currently is located on three properties; a continued discussion commenced, regarding the fencing.

Dave Kirk, from the audience, stated his belief the land was divided in such a manner because the original owner, Charles Abraham, realized the mutual interest of the proposed businesses, and for people to pass through the area within the businesses; however, Mr. Kirk was not sure of an actual easement.

After a lengthy discussion with Mr. Cuffari regarding the bends of the guard rail, and the possible three lots involved with the construction of the guard rail, Chairman Hadzinsky suggested after the meeting, he would be happy to look at the location of the guard rail fence this evening, and based on the location of the guard rail which appears to be located on two other properties; therefore, three permits may be required

Mayor Moser indicated one could look at the property; however, a professional survey is needed to determine property lines bends and position of the guard rail and marked locations; Chairman Hadzinsky agreed, as one would need a survey, which at this point could not be avoided.

The momentum of the meeting indicated that in order to be clear as to where Cuffari's property actually is and where the guard rail is relative to property lines, a convincing fact would be a report from a certified surveyor. At this time Mayor Moser stated the Village is simply making a courteous request to Mr. Cuffari to have the property surveyed; if the survey shows the guard rail fence is on B & J Realty property, the recourse would be to request from that property owner, as well as the plaza owner an application for a fence permit. First step is to find out where the guard rail really is relative to the property lines.

Issue four on the agenda, regarding a question from the zoning inspector relative to an overlay on the R-1 zoning district for R-2 and OC zoning status changes was previously resolved with reference to Codified Ordinance 1169.

A request from Mayor Moser, in a formal motion, was made to Mr. Cuffari, as a property owner, to provide a certified survey of his property, and that surveyor would also locate the guard rail on the same plot plan. This motion was seconded by Jerry Kehoe.

Vote: Ayes – Unanimous

Solicitor Stuck, addressed to the Planning Commission, questioning if the filing of any complaints against Mr. Cuffari should be held off pending the requested survey. Mayor Moser agreed to delay any legal action at this time.

Per Mr. Kirk, from the audience, presented information, at one point, the current drive through the auto dealership and a drive through in the area in question were aligned to create roads to an internal parking lot which may or may not have been legitimized. The consensus was to look at the property after the meeting.

At this time, Mayor Moser requested the Planning Commission to consider the community reinvestment area legislation and tax credits which ended with the ordinance itself in 1990. Mayor Moser wished to reinstate the community reinvestment area, which is a Council concern; however, the Planning Commission is asked to approve the above and move it forward for at least 10 years. Community Reinvestment areas were described as areas the village that could qualify for tax abatement connected to jobs; encouraging businesses to move into the Village using this as a process, Jerry Kehoe motioned for the above; Mayor Moser seconded the motion.

Vote: Ayes – Unanimous

Chairman Hadzinsky requested a motion for adjournment. Jerry Kehoe motioned for the adjournment and Mayor Moser seconded the motion.

Vote: Ayes – Unanimous