

CITY OF KIRTLAND  
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING  
OCTOBER 10, 2022

The meeting was called to order by Chairman Denk at 7:07 p.m. Present were Commission members Richard Blum, Richard DeMarco, Michael Denk, Daniel Laux and Joseph Vinciguerra.

Also present were Mayor Kevin Potter, Assistant Law Director Thomas Lobe, City Engineer Douglas Courtney and Zoning Inspector Rick Loconti.

MINUTES OF THE SEPTEMBER 12, 2022 WORK SESSION

Mr. DeMarco moved to approve the minutes as presented, with the second by Mr. Blum. Upon roll call vote, the motion passed 4-0-1 (Ayes – Blum, DeMarco, Laux and Denk; Nays – None; Abstaining – Vinciguerra).

MINUTES OF THE SEPTEMBER 12, 2022 MEETING

Mr. Blum moved to approve the minutes as presented, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 4-0-1 (Ayes – Blum, DeMarco, Laux and Denk; Nays – None; Abstaining – Vinciguerra).

PUBLIC SESSION:

PUBLIC REQUESTS

CESCO Imaging – Proposed Sign for Village Outdoors at 7910 Euclid Chardon Rd.

George Dragon of CESCO Imaging was present in this regard. Chairman Denk noted that a variance was granted by the Board of Zoning Appeals for the sign area; he noted that the retention basin in the front yard limited the location for a sign.

Mr. Blum inquired if the sign will be illuminated. Mr. Dragon stated that they are LED channel letters. They are known as day/night letters; they are black during the day and light up white at night. He explained that the letters are perforated, allowing the light through at reduced footcandles; they are not bright white.

There were no comments or questions from the public. Mr. Blum moved to approve the proposed building sign for Village Outdoors at 7910 Euclid Chardon Road as presented. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

NEO Auctions – Building Sign at 7856 Euclid Chardon Rd.

Brian Dunay of NEO Auctions was present in this regard. He noted that he is one of the owners, and that Jon Costa, who signed the application, is his business partner. Mr. Dunay said the sign is roughly 10 sq. ft. – 7 ft. x 1-1/2 ft. approximately. He confirmed there is no illumination of the sign. Mr. Dunay said the sign is currently hanging from the overhang by tie wraps.

Answering Mr. Denk, Mr. Dunay said that future signage at the road will contain the address. He noted this sign was intended to be temporary until the other sign is done.

Mr. Loconti advised that the application for the monument sign was previously submitted by Mr. Snider, the property owner, for Tiger Renovations. Approval for the NEO Auctions portion of the monument sign was held off until they took care of their business occupancy permit and the permit for this building sign.

Mr. Blum noted that the ordinance states that permanent signs shall be constructed to withstand wind pressures of at least 30 pounds per square foot of surface and shall be fastened, suspended or supported so that they will not be a menace to persons or property. Mr. Blum stated he is not comfortable with the sign being hung by tie wraps. Mr. Dunay said those could be replaced. Answering Mr. Denk, Mr. Dunay said they could mount the sign on the building, but he would need to check the spacing next to the windows.

There were no comments or questions from the public. Mr. Vinciguerra moved to approve the building sign for NEO Auctions at 7856 Euclid Chardon Road, with the condition that the sign be mounted on the building. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Jill Brandt – Proposed Wash Bay Addition for Holden Arboretum at 9500 Sperry Road

Nico Viola of the Holden Arboretum was present in this regard. Mr. Viola said the application is for a 720 sq. ft. addition to the existing maintenance building. Mr. Denk acknowledged receipt of email correspondence dated September 13, 2022 from City Engineer Douglas Courtney. Mr. Courtney stated that the wash bay is very small compared to the other buildings on the site; the area where it is being placed is already a hard surface, so there is no change to the drainage characteristics of the site.

Mr. Viola stated that the wash bay is being installed in an effort to control run-off for the vehicles being washed, so the water will go into a proper basin rather than running into Pierson Creek.

Mr. Blum inquired about the lighting. Mr. Viola said there will be six LED lights, noting it will be a self-wash bay with doors at either end. The lights will be arranged to allow illumination all the way around the vehicles. Mr. Viola said there will be exterior lighting at both doors in compliance with code, plus an additional new light on the back of the building. He confirmed the lights will be aimed downward.

Mr. Blum moved to approve the proposed wash bay addition at the Holden Arboretum, 9500 Sperry Road, as presented. Mr. Laux provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Matthew Kidd – Proposed Accessory Building Addition at 8424 Billings Road

Matthew and Amanda Kidd of 8424 Billings Road were present in this regard. Mr. Denk acknowledged receipt and reviewed a memorandum dated October 4, 2022, from City Engineer Douglas Courtney. Mr. Denk noted the property is 9.36 acres, and the proposal is for an addition to an existing accessory structure. Mr. Kidd noted that the addition will be directly off the back of the existing building; it will be used for stalls and for storage. Answering Mr. Denk, Mr. Kidd said they

have chickens and two cows, and they plan on getting a couple pigs; he said all are for 4H for his daughters.

With regard to the animals, Mr. Loconti advised that they must be strictly for personal use, and not for retail sales.

Mr. Denk inquired if there is plumbing in the building. Mr. Kidd said there is a slop sink just inside the pedestrian door at the front of the building, and there is electricity in the building. He confirmed there are no living quarters in the building.

There were no comments or questions from the public. Mr. Vinciguerra moved to approve the accessory building addition at 8424 Billings Road, as presented. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Brandon Dynes, Esq. – Proposed Accessory Building for Thomas Schroeder at 8700 Singlefoot Trail

Present in this regard were Brandon Dynes, Attorney for Thomas Schroeder; Dustin Keeney of Polaris Engineering & Surveying; and Dave Burkholder of Burkholder Construction. Mr. Dynes said they are present requesting that the Schroeder's be permitted to construct a stable on their property, pursuant to Section 1268.15 relating to accessory buildings. Mr. Dynes said the property is 2.07 acres, and he understands the stable is a permitted use. He noted that Mr. Courtney has reviewed the plans and provided comments; Mr. Keeney has made some revisions to the plan as a result of Mr. Courtney's comments. Mr. Dynes stated that the site plan has been engineered so that no variances need to be requested.

Mr. Keeney said he has reviewed the comments from Mr. Courtney's office, and they have addressed comments 2 through 7, although they have not formally resubmitted plans. With regard to comment no. 1, Mr. Keeney said they will make the appropriate submittals to Lake County Stormwater and Lake County Soil and Water. With regard to comment no. 8, Mr. Keeney said they will take care of what is needed regarding the nature trail. He said they have no issues with any of those comments.

With regard to the nature trail shown on the plat, Mr. Courtney stated that installation of a driveway across that nature trail common space may require approval of the homeowners' association, or all subplot owners if no association exists. Mr. Dynes stated they are not aware of an association on file with the County.

Mr. Burkholder of Burkholder Custom Construction of Ashland, Ohio, advised that his company will be the general contractor for the project. He said the building will be a post frame style structure, with wooden posts, 8 ft. on center, with a truss system, and with steel siding and roofing.

Chairman Denk acknowledged receipt of a memorandum dated October 5, 2022 from City Engineer Douglas Courtney. Mr. Denk also acknowledged receipt and read correspondence from the following neighboring residents: Bill and Shelley Polewchak, 8720 Singlefoot Trail; Jayme and Julia Sandy, 8710 Singlefoot Trail; Kristina and Albert Susinskas, 8721 Singlefoot Trail; Thomas and S. Kent Buchter, 8735 Singlefoot Trail; and Robert Weber, 8730 Singlefoot Trail.

Chairman Denk requested that Mr. Courtney comment on the drainage. Mr. Courtney stated that the site drainage is being handled through an on-site storm sewer system and it is being connected below grade to a catch basin on the south side of Singlefoot Trail. He said it does not relate to the pavement drainage issue on Singlefoot mentioned in correspondence from neighboring residents, noting that is a separate issue because of the way the pavement was graded when it was repaved. Mr. Courtney said that any additional runoff from this structure will not impact the standing water on the pavement that was mentioned.

Mr. Courtney said the water now moves east to west across the property, generally onto the adjacent property; the drainage system should assist in gathering some of that water so that not as much flows onto the adjacent property.

To clarify a couple matters mentioned in the correspondence from neighboring residents, Chairman Denk advised that on a lot that is greater than two acres, there is not a restriction on the size of an accessory building. Mr. Lobe added that this is not a variance proceeding, noting that the size of the building is legally permissible pursuant to the code; the applicant is not asking for a building that is in excess of what the law allows. Mr. Denk noted there are no current plans to change that zoning code. Mr. Lobe advised that the code in effect when the plans are filed would apply, even if there were plans to change the code.

Mr. Denk advised that the City's code provides that the Planning and Zoning Commission reviews applications for auxiliary buildings larger than 1,000 square feet, and that property owners within 500 feet are notified. He noted that plans have been available at the Zoning Office for residents to view.

Chairman Denk noted that the lot is a "through lot" because it fronts on two streets – Singlefoot Trail (primary) and Eagle Road (secondary). Mr. Denk noted that the code allows a stable, defined as a building for lodging and feeding horses. He noted that the plans show a 12' x 12' horse stall in the building.

Mr. Denk said he is aware the property has had a horse or horses in the past, and he inquired whether there are other uses proposed for the building. Mr. Dynes said the homeowners previously had horses, but those horses have passed; their intention is to get another horse or horses. He said that with a horse there is quite a bit of feed and other items needed for care and comfort of the horse, and the building size is to accommodate that use. He said in speaking with Mr. and Mrs. Schroeder, he believes their intention is to possibly add more horses in the future. Mr. Dynes stated that first they need a place to put the horse.

Mr. Dynes said that, as noted by Mr. Lobe, this is not a request for a variance. Noting that he appreciates the residents' concerns, he said that the assumptions are incorrect. He said the application is in compliance with the code.

Noting that some of the residents raised concerns in their correspondence regarding possible commercial use, Mr. Lobe advised that any commercial use of the building is prohibited and illegal, and it will be enforced. He noted that the zoning permit application states that the applicant certifies that no commercial use will take place within any residential zone upon issuance of the zoning permit.

Mr. Lobe noted that includes renting out horse stalls and storage of anything other than the owners' personal belongings.

Mr. Denk noted there is an existing horse stable on the property; he inquired about the plan for that building. Mr. Dynes said there will be no commercial use of that building, noting it will remain.

Responding to an inquiry from Mr. Denk regarding manure, Mr. Dynes said it is his understanding that it will be composted on the property. Mr. Denk noted that the Commission would expect that they respect the adjoining properties when determining the location on the property where the manure would be composted.

Responding to Mr. Loconti, Mr. Vinciguerra said the Commission has not yet been able to determine whether both accessory buildings would be allowed on the property.

Mr. Denk opened the meeting to public comment.

Holly Welsh of 8670 Eagle Road said that she lives directly across the street from the proposed structure; she noted that her husband, Jimmy Kinch, and several of her Eagle Road neighbors are also in attendance. She said she finds it disingenuous that they would call this a horse barn or stable, saying that it is well known in the neighborhood that it will be used as a large garage to house recreational vehicles. She said that allowing this building to be built across from their front yards would adversely affect their property values and the enjoyment of their property. She stated concern for the safety of her children and anyone walking in the street, noting that they want to put a new gravel driveway on Eagle Road directly to that building. She questioned the need for the driveway. She said the building would diminish the character of her neighborhood, and she asked that the Commission deny this request.

Kim Ruggeri of 8690 Eagle Road said that her property directly faces the proposed building, and the driveway would be directly in front of her yard. Bob Ruggeri of 8690 Eagle Road said they have been there for 10 years. Mrs. Ruggeri said they have the same concerns that have been stated, noting they do not want to look out the front of their house and see a 3200 sq. ft. building. She said they are concerned about the driveway and about large vehicles going in and out of the driveway. Mr. Ruggeri added that when they first became aware of this, his wife wanted to put their house on the market. He stated concern because they do not have a horse, and this is being called a stable. Mr. Ruggeri said they already have a horse stable there and previously had two horses in that stable. He said it seems they are building this to house their toys, and he requested that the Commission make clear what their intentions are for this building.

Ken Panzarella of 8730 Eagle Road said that the applicant's back yard faces his and his neighbors' front yards. He said it would be a different matter if their lot faced the woods and this building would not be visible. Mr. Panzarella said that until tonight, he thought they would be taking down the existing building and constructing this new building. Mr. Panzarella said he moved into his house in 1979, noting they were the first house on Eagle and likely one of the first 15 houses to be built in the Silver Fox neighborhood. He said in his opinion, this building will affect property values. He said he is one of the many people that walk and drive past that property daily, and he stated concern about the

proposed structure in the residential neighborhood. Mr. Panzarella said he and his wife are opposed to the proposed building.

Julia Sandy of 8710 Singlefoot Trail said that she submitted a letter, but she wanted to make a couple points. She said there is a nature trail along Eagle Road, noting that when she purchased her home in 2017, she was provided with the by-laws for the subdivision, which state that the nature trail needs to remain for the bridle trail going into Penitentiary Glen. She stated concern about the impact to the nature trail with the gravel driveway behind the property. In consulting real estate professionals, they have been told that property values will go down for homes in view of this building. She said they will view it from their back yard, noting it is currently a horse pasture that is cleared. She noted if it was on a larger piece of property in the woods, it would not be viewed from everyone around.

Jayne Sandy of 8710 Singlefoot Trail said that when they built their house, the horse manure was deposited on his property, and property stakes were moved by Tom and Karen Schroeder because they were under the impression that his property was still their property, until it was staked again. Mr. Sandy said that manure was being burned. Mr. Sandy said that the Schroeder's requested a variance previously to extend the existing structure which is already 1000 sq. ft. He suggested that the Commission look at those meeting notes, since there were concerns noted about the deed restrictions.

With regard to drainage, Mr. Sandy said that since he built his house five years ago, he has added \$12,000 of drainage on his property. He said there is still a drainage problem, and now they want to add a 3200 sq. ft. building. Mr. Sandy said his opinion is that this should be denied in this residential neighborhood. He said he had to dispose of a large quantity of trash from the Schroeder's property in the past, noting that currently there is a dismantled swimming pool and debris, along with a horse trailer that has been there for five years. Mr. Sandy said the Schroeder's property is in complete disarray. He said that as a real estate agent, he looked at all the square footages in this area, and the proposed building would be the single largest structure in the neighborhood. He requested that the City do the research on the deed restrictions and consider the size of the building in this neighborhood, inviting the Commission to walk his property to see the condition of the Schroeder's property. Mr. Sandy also stated concern about where they will put all the manure.

Pat Granito of 8710 Eagle Road said that she has a barn and a horse, noting she has lived there for 22 years. She said they purchased the house because it had a barn, and she had been boarding her horse. She said they had two horses, noting one has passed away. Mrs. Granito explained how she and her husband disposed of the manure, taking it off the property. She said they now have a dumpster for the manure, and it is picked up every week by Waste Management. She said that since they are between two houses, they did not leave the manure on the ground.

Ken Panzarella of 8730 Eagle Road said he lives next door to Mrs. Granito, noting they have lived there over 40 years and Mrs. Granito has been there 20 years. He said he has never experienced any horse manure odor in all the years they have lived there. The Granito's have done a great job of eliminating the manure and they have created no issues.

Mayor Potter inquired about the possibility of reducing the square footage of the building, noting there is only one 12' x 12' stall proposed in the building. Mr. Denk agreed that the 12' x 12' horse stall does seem small in comparison to the size of the structure.

Mr. Denk noted that the plans indicate a 6-inch interior concrete floor with 5” x 39” plastic trench drains included. Mr. Burkholder said it is to provide drainage for any liquid that might happen inside, to assure it does not drain outside the building and possibly onto the neighboring property. Answering Mr. Denk regarding connection of the drain to the septic system, Mr. Burkholder said the plumbing would be done by a sub-contractor in accordance with Lake County requirements.

Answering Mr. Vinciguerra, Mr. Courtney advised that the total size of the building is 4,861 sq. ft. with the overhangs; the 3,136 sq. ft. noted on the application is the interior dimension.

Responding to Mr. Denk, Mr. Dynes stated that he is not sure the code requires a horse being possessed and already on the property before the stable can be built. Speaking to the homeowners’ intentions, Mr. Dynes stated they had horses in the past and do not want to bring in a horse until they have the structure ready.

With regard to the deed restrictions, Mr. Dynes said he does not believe that is within the purview of this Commission; he said the deed restrictions would be under the purview of the homeowners’ association or others.

Mr. Lobe advised that he is a substitute tonight for Mr. Lallo. For full disclosure, Mr. Lobe said he knows Mr. and Mrs. Sandy very well and has represented their parents. With regard to the deed restrictions, Mr. Lobe said sometimes the City retains certain rights of enforcement. He said it has been his experience that for deed restrictions dating back to the 1980’s, the cities did not retain any rights. He noted that more recently, cities retained certain rights in the deed restrictions relating to enforcement. In this particular case, Mr. Lobe said he has not seen the deed restrictions. Mr. Dynes stated this was not brought to their attention in his discussions with the Zoning Inspector and the Law Director.

With regard to the nature trail, Mr. Dynes stated there is no intention to do away with the nature trail or to prevent anyone from using it; a permeable substance will be used for the drive and it will be for access for the horse trailer. Mr. Dynes stated that the adjoining homeowners were aware when they purchased their lots that these were through lots.

Mr. Dynes said that although it may be unpopular, the Commission is required to follow the code. He said there is no evidence regarding a resulting decrease in property values. He stated he appreciates that residents have concerns, but there is no evidence concerning things they think might happen.

Chairman Denk stated that manure disposal is an important item. Mr. Dynes said he did not see anything in the code in this regard; if the Commission wishes to place a condition on this, he believes the homeowners would consider it and take whatever steps are necessary to assure it is not a problem.

Mr. Lobe referred to Section 1268.01 Purpose, sub-paragraph (f) which states “To provide protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic and other objectionable influences”. He noted Section 1268.01 also addresses other issues.

Mr. Denk noted that a landscape buffer might soften the impact of this large structure in the existing pasture. Mr. Dynes stated if the Commission wants to place that restriction, he is sure the Schroeder’s

would be happy to consider that. Mr. Burkholder stated that in the previous submission to the Board of Zoning Appeals, they had shown the landscaping, so he is sure a drawing could be provided with landscaping.

Noting that the existing structure has served as a barn in the past, with stalls for two horses, Mayor Potter said that many of the neighbors are questioning the necessity of a 3200 sq. ft. building with one stall.

Mr. Burkholder said one of the items the neighbors mentioned was concern about the horse trailer being parked outside. He said the existing building is too low to accommodate the horse trailer inside, but the new building would protect the horse trailer and hide it from view. Therefore, they feel this building is a contribution to the aesthetics of the property and the neighborhood.

Mr. Denk inquired if there are plans for a gate in the fence (for the new driveway). Mr. Burkholder said there will be a pasture to the left, but the south side would remain open to the road. He said the driveway would be isolated from the pastures; he noted the pastures have an existing fence.

Mr. Keeney advised that the survey work was done by a different company (McSteen), and the property pins were set along the property line.

Mr. Laux inquired about the need for two 14' x 20' doors, and one 14' x 14' door. Mr. Burkholder said they could potentially be used in a lot of different ways, noting that with horses there could be a variety of equipment. He said from his perspective as a builder, there is no determination of what is too big or too small; it is what is allowable. Mr. Laux inquired if horses typically reside on concrete floors. Mr. Burkholder said there are many varying opinions on everything horse related; he noted that he personally would limit his horses on concrete and their stalls would be sand. He said the property is small for a horse property, so anytime the horses can be exercised indoors will save those pastures. Mr. Burkholder said horses could potentially be exercised on concrete.

Responding to Mr. Denk, Mr. Burkholder confirmed that the entire building will be insulated and heated.

Noting there have been a few potential conditions stated (landscaping and removal of horse manure), Mayor Potter inquired about the size of the building. Mr. Lobe stated it is within the legal parameters, but the Commission does have certain guidelines and can consider effect on the neighbors, screening, and how manure is disposed. Mr. Lobe said the building is legal, but that does not necessarily make it good planning.

Mr. Denk noted that the Commission has heard from the public. If the Commission members are uncomfortable with the size of the building, Mr. Denk inquired if the matter can be tabled and the Commission request that Mr. Dynes talk to his clients regarding the concerns that have been expressed. He noted that a landscape plan would be helpful, along with a plan for the manure, in order to show some good faith to minimize the disturbance. Mr. Denk noted there is also some concern about the intention that the existing structure remain on the site and its potential use.

After speaking briefly with his clients, Mr. Dynes stated that the Schroeder's have no objection to tabling the matter so they can provide more information. Mr. Dynes said either the Commission or the applicant can make a motion to table; Mr. Lobe indicated that it is preferred that the motion come from the applicant. Mr. Dynes made a motion to table. With the Commission's permission and on behalf of the Commission, Mr. Lobe accepted the applicant's motion to table the matter. Mr. Lobe said it would be prudent for Mr. Dynes to meet with Mr. Lallo.

Chairman Denk advised that surrounding property owners were notified by mail of the application to be considered at tonight's meeting; with the tabling and continuation of the application, there will be no further notifications by mail to property owners. Mr. Denk advised that the next Planning and Zoning Commission meeting will be held on November 14 at 7:00 p.m.

ThenDesign Architecture – Proposed Football Stadium Renovation for Kirtland Schools at 9150 Chillicothe Road

Claire Bank of ThenDesign Architecture was present in this regard, along with Chad VanArnhem, Superintendent of Schools. Ms. Bank advised that their engineering team is also present, in the event there are any technical questions.

Ms. Bank said they are working through the engineering comments they received. She noted this is preliminary review, and they will come back with final plans after addressing those comments.

Ms. Bank stated that the proposal is to resurface the track and repair a portion of it; they are putting in new synthetic turf where there is currently natural turf. They are reconfiguring the field events (long jump, pole vault and high jump), striping for football, and new stadium lights. She said the visitors' stands will be moved from inside the track to just outside the track, and there is some reconfiguring of the drive around the new stands.

Answering Mr. Denk, Ms. Bank said the bus parking is being reconfigured somewhat, noting that the fence needs to be moved to make room for the drive. It is being striped, but the same number of buses can fit; they will each have a designated spot.

Ms. Bank said there will be a new press box on the visitors' stands; it will be approximately 250 sq. ft. The existing press box will remain; the coaches will use one and the press will use the other one.

Answering Mr. Blum, Ms. Bank advised they can submit the lighting plans. She said they will be going from 6 poles currently to 4 aluminum poles.

With regard to drainage, Bill Dunnigan of Greenland Engineering advised that they intend on utilizing the existing drainage system that currently drains to the ravine. He noted the water goes there now and will continue to drain there; it will be part of the new drainage system which will drain to those same discharge points. Responding to Mr. Denk, Mr. Dunnigan stated that for design purposes the surface is more impervious than the current surface; therefore they are required to provide detention. There was discussion regarding the specifics of the drainage. It was noted that the existing waterline will be extended.

Mr. Blum noted that it appears parking spots will be eliminated, and he inquired about plans for parking. Ms. Bank stated they are still discussing that; she noted there is a gravel area where additional spots could be striped. Mr. Dunnigan stated that for games, the rear parking area behind the school was used.

There were no comments or questions from the public. Mr. Dunnigan thanked the City Engineer, noting he has been very helpful with his reviews.

Mr. Denk inquired about the loss of 11 parking spaces. Mr. VanArnhem stated there is plenty of parking, with the exception of Friday night games. He noted there is a gravel area that can be striped.

Mr. Laux moved to grant preliminary plan approval for the football stadium renovations, with the second by Mr. Blum. Upon roll call vote, the motion passed 5-0 (Ayes – Blum, DeMarco, Laux, Vinciguerra and Denk; Nays – None).

Answering Mr. Denk, Mr. Lobe advised that it is not unusual for the Commission to request additional information on an application. Noting that he would need to check the code, Mr. Lobe said there may be a time constraint, and that is why he asked that the applicant move to table for tonight's matter.

With the consent of the Commission, Mr. Lobe left the meeting at this time.

#### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

#### WORK SESSION:

##### Communications and Bills

1. City Council Meeting Minutes – September 7, 2022 Work Session and Council Meeting; and September 19, 2022 Council Meeting.
2. Board of Zoning Appeals Minutes of August 3, 2022 and September 14, 2022.
3. Board of Zoning Appeals Notices of Decision – Nos. 22-8, 22-9 and 22-10.
4. Zoning Permits Report – September 1, 2022 to September 30, 2022.

##### Old Business

1. Comprehensive Plan Review. Mayor Potter advised that Ms. DeMistro will be present for the work session next month. He noted that he provided the Commission members with a zoning map and requested that the district boundaries be reviewed at the next meeting. He noted that zoning changes are subject to a vote of the electorate.
2. Alternative Energy Ordinance – Ord. No. 18-O-31. Mayor Potter stated that he and Mr. Lallo had a good work session with Mr. Godwin a couple weeks ago, noting that ordinance has been redrafted. He noted that the Commission will receive a new draft.

3. Review of Zoning Ordinances. It was noted that the Commission members read through and familiarized themselves with Ordinance Chapters 1260, 1261 and 1222 for discussion at tonight's meeting.

Chapter 1260 – Intent and Application. Upon review, there were no recommendations for any changes.

Chapter 1261 – Definitions. Mr. Denk suggested that changes should be made to bring some of the language up-to-date. Mr. Vinciguerra noted that pronouns need to be added to Section 1261.01(f).

Mr. Blum noted that the definition of “sign” should be reviewed. There was brief discussion.

Mr. Denk noted that there is a definition for “bed and breakfast”. Mr. Loconti questioned whether this would include an Airbnb or similar short-term rental. Mr. Denk noted it may need to be defined, and then regulated.

There was discussion regarding the definition of “stable”. Mr. Blum noted that the definition specifically states it is for lodging and feeding horses; he inquired if a building can be a stable if there is no horse on the premises. Mr. Laux questioned if a stable can also be used for other uses, such as storage, based on the definition in the code.

It was noted that Chapter 1261 should be reviewed further with regard to pronouns and other outdated language. It was also noted that “Airbnb” needs to be defined and regulated.

Chapter 1222 – Environmental Quality Overlay Districts. In discussion, Mr. Denk noted that the overlay districts need to be recognized during review of applications.

### New Business

Mr. Blum noted that the Kiwanis meeting last week was held at Sausalito in the back room; the front room is still a banquet hall. He noted they are waiting on employees.

Mr. Loconti noted there is a discrepancy in notification distances between the Planning and Zoning Commission and the Board of Zoning Appeals; he suggested that the 300 ft. distance would be sufficient. He also mentioned it could be measured from the project rather than the property boundaries, especially for small projects on a large property.

There was discussion regarding the requirement that the Planning and Zoning Commission must review accessory buildings in excess of 1,000 sq. ft.

Adjournment

There was no further business before the Commission, and Mr. DeMarco moved to adjourn. Mr. Blum provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:45 p.m.

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CHAIRMAN

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SECRETARY