

CITY OF KIRTLAND
MINUTES OF COMBINED MEETING
JANUARY 18, 2023

PLANNING AND ZONING COMMISSION
CITY COUNCIL
BOARD OF ZONING APPEALS

The meeting was called to order at 7:43 p.m. by Planning and Zoning Commission Chairman Michael Denk. Present were the following Planning and Zoning Commission members: Richard Blum, Richard DeMarco, Michael Denk and Daniel Laux. Absent: Joseph Vinciguerra.

The following Council members were present: Ronald Fenstermaker, Scott Haymer, Richard Lowery, Jeffrey Ruple, Matthew Schulz and Joseph Smolic. Absent: Eric Ziegler.

Present from the Board of Zoning Appeals: Mark Bailey and Suzanne Grazia. Absent: Harry Keagler, Lita Laven and Robert Murch.

Administrative personnel present: Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney, Service Director Joseph Fornaro and Zoning Inspector Rick Loconti. Also present were Dione DeMistro and Economic Development Director Edward Eckart.

The following issues were addressed:

HIGHLIGHTS OF 2022

Mr. Denk distributed a report providing highlights from the Planning and Zoning Commission meetings in 2022. He reviewed the various matters that were before the Commission throughout 2022. He noted that the Zoning Inspector has been doing an excellent job with regard to enforcement and he is an excellent resource for information.

2032 COMPREHENSIVE PLAN

Mr. Denk noted that Dione DeMistro has been working with the Commission on the comprehensive plan, and he turned the meeting over to her to address the progress.

Ms. DeMistro noted that a draft copy of the comprehensive plan has been distributed to all in attendance. She said it has been a pleasure to work with the Commission in this regard.

She reviewed the plan document, noting that the Charter requirement and process are explained at the beginning of the document. She noted that when she initially spoke with Council, it was agreed that the previous comprehensive plan, along with the strategic plan, would be used to establish a crosswalk for the new plan. The Planning and Zoning Commission had an opportunity to identify which of those items should be included in this plan. She noted that accomplishments were reviewed, along with the feedback from the community survey.

Ms. DeMitro said that in looking at the previous comprehensive plan and the strategic plan, items of importance included infrastructure and services, governance, partnerships, economic development and the community “feel”.

In reviewing the key accomplishments, Ms. DeMitro noted that all of the applicable ordinances are listed. She said that goals and objectives were discussed, and the areas of focus are included in the plan. She asked that all in attendance review those goals and let her know if anyone believes anything else should be included. She reviewed the areas of focus, the goals, and the objectives; discussion ensued.

With regard to senior housing, Mayor Potter noted that Kirtland is tenth in the state with regard to aging population. Ms. DeMitro said she will add information regarding those demographics.

Councilman Fenstermaker noted that the extension of sewers to the Route 6 and 306 intersection has been included in the comprehensive plan for many years, and questioned whether a cost study has ever been done; he noted that capacity is a limiting factor. Mayor Potter noted there have been conversations with Lake County Department of Utilities.

Mayor Potter stated that a mechanism will be created for measuring the comprehensive plan on an annual basis. Ms. DeMitro stated that action steps and a timeline related to each of the items will need to be developed. Mr. Blum inquired about preservation of historic areas. Upon discussion, Ms. DeMitro said she will draft some language in that regard.

Ms. DeMitro noted that an implementation plan will be developed, in order to keep the plan a living document. She noted that legislation will be established for this purpose, including creation of benchmarks and a dashboard describing the previous year’s accomplishments. She noted that some items will be contingent on available funding or relationships with partners. Discussion ensued with regard to partnerships and the implementation plan. Answering Mr. Denk, Ms. DeMitro noted that specifics relating to partners should be included in the implementation plan rather than the comprehensive plan.

In summary, Ms. DeMitro said there are two additions to the plan requested tonight; she will make those changes to the document. Mr. Denk advised that the Commission will review and discuss the plan at the February 13 Planning and Zoning Commission meeting, noting that a public hearing will be held at that meeting. Mr. Lallo noted that the Commission can make its recommendation to City Council at that meeting or a subsequent meeting.

ALTERNATIVE ENERGY ORDINANCE/SOLAR ENERGY ORDINANCE

Mr. Denk noted that the City has an existing solar energy ordinance in Chapter 1468 of the Codified Ordinances. He noted the Commission has met with Aaron Godwin, who is a resident and an expert in the field of solar energy; he designs and facilitates installations of solar energy equipment. He noted that Mr. Godwin took great exception relating to the conditional use permit requirement for solar installations at a residence. Mr. Denk noted that the current requirement that solar panels be located on the rear roof of a residence has also been a concern of Mr. Godwin.

Mr. Denk noted that Mr. Lallo and Mayor Potter have met with Mr. Godwin a few times, and a rewritten solar energy ordinance has been drafted for consideration. Mr. Lallo explained that the goal of the revised ordinance is to allow the traditional homeowner, who wants to add solar panels to the roof of their home, the ability to do so without having to come before the Planning and Zoning Commission. He noted that more complex installations and commercial installations would require Planning and Zoning Commission review and approval.

It was noted in discussion that solar panels should be placed on the south or west facing roof for maximum effectiveness. There was discussion regarding ground mounted solar panels. Mr. Denk stated there is some language in the new proposed ordinance that limits those to 1,000 sq. ft., which is being reviewed by the Commission.

Mr. Denk noted that the Commission will be reviewing the draft ordinance, with a public hearing to be scheduled in March, and Council will receive a recommendation from the Commission after it completes its review.

With regard to fire safety, Mr. Loconti noted there are certain limitations for roof-mounted panels. He noted there must be paths between solar arrays and distances from the roof edge lines and peak lines, according to the National Fire Code standards.

P & Z REVIEW OF ZONING ORDINANCES – POSSIBLE AMENDMENTS

Mr. Denk noted that, in accordance with the Charter requirement, the Commission began a review of the zoning ordinances early in 2022, reviewing three chapters at each meeting. He noted there are several possible verbiage changes, making some tweaks to the zoning code. He said that Mr. Lallo and Mr. Courtney have looked at the Ordinances to streamline and organize certain items, such as landscaping requirements.

Mr. Denk noted that the Commission is looking at revising or adding some definitions, such as a “tourist home” as it relates to Airbnb use. He noted that another definition being reviewed is “stable”, as a result of a recent application before the Commission. Mr. Denk noted that there is currently no definition for “domestic animal”, and the Commission is looking to draft a definition. He said that requirements relating to fences and riparian setbacks have also been discussed.

REFORMATTING OF ZONING ORDINANCES – TO BE MORE USER-FRIENDLY

Mr. Lallo said that he and Mr. Courtney have been working to reorganize the zoning code and make it easier for applicants to navigate. As an example, he noted they are looking to have the definitions in one place, and add definitions as needed. Mr. Lallo noted that landscaping is addressed in six different sections of the zoning code, sometimes with the same standards and sometimes with different standards for each zoning district. He noted they are looking to create a landscaping section of the code that will provide standards for properties based on the zoning district. Mr. Lallo noted it is a big project.

CITY COUNCIL/BZA CONCERNS AND COMMENTS

Mrs. Grazia read a letter submitted by Robert Murch relating to the Board of Zoning Appeals and the process for making decisions. He also included a copy of guidelines for the Board members to render a decision (printed from the Kirtland city website).

Councilman Fenstermaker inquired about a previously proposed use for the Grange. Mr. Loconti said that the use did not meet the zoning requirements, noting that the existing use is non-conforming in the residential district and the use cannot be expanded. Mr. Lallo said the existing use is legal non-conforming. Mr. Loconti noted that if the use is stopped for a specified period of time, any new use would need to conform to the zoning requirements for the residential district.

There was no further discussion, and the meeting adjourned at 9:12 p.m.

CHAIRMAN

SECRETARY