

CITY OF KIRTLAND
PLANNING AND ZONING COMMISSION

MINUTES OF THE MEETING
AUGUST 14, 2023

The meeting was called to order by Chairman Denk at 7:04 p.m. Present were Commission members Richard DeMarco, Michael Denk, Daniel Laux, Lita Laven and Joseph Vinciguerra.

Also present were Mayor Kevin Potter, Law Director Matthew Lallo, City Engineer Douglas Courtney and Zoning Inspector Rick Loconti.

MINUTES OF THE JULY 11, 2023 WORK SESSION

Mr. DeMarco moved to approve the minutes as presented, with the second by Mr. Vinciguerra. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

MINUTES OF THE JULY 11, 2023 MEETING

Mr. Vinciguerra moved to approve the minutes as presented, with the second by Mr. DeMarco. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

PUBLIC SESSION:

PUBLIC REQUESTS

Jason Degnovivo – Proposed Sign Face Replacement at 7930 Euclid Chardon Rd.

Jason Degnovivo was present in this regard and advised that he owns the property, and is now taking it over for his own shop and storage. Answering Mr. Denk, he confirmed it is an existing sign and he is replacing the face; it is internally illuminated. Mr. Degnovivo confirmed that the street address will remain on the sign. He said the previous tenant was the Blue Anchor, and prior to that it was the Kirtland veterinary office. The new sign face is for Leo James Building, Custom Homes & Remodeling.

There were no comments from the public. Mr. Laux moved to approve the proposed sign face replacement at 7930 Euclid Chardon Road; Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

Conrad Signs – Proposed Sign Face Replacement at 9264 Chillicothe Rd.

Bill Conrad of Conrad Signs was present in regard to the proposed sign face replacements on the building sign and on the ground sign for All Star Therapy at the Kirtland Plaza. He said the existing sign faces will be replaced. Noting that replacing the sign faces is simple, Mr. Conrad inquired if he would still need to provide a bond (for contractor registration). Mr. Denk replied that the Code does not recognize the scope of work required; Mr. Loconti confirmed that a bond is typically required.

There were no comments from the public. Mr. DeMarco moved to approve the proposed sign face replacement on the building sign and the ground sign at 9264 Chillicothe Road. Ms. Laven provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciquerra and Denk; Nays – None).

Tall Oaks LLC – Proposed Signage at 9177 Chillicothe Rd.

Lauren Mowles of Tall Oaks LLC and George Dragon of CESCO Imaging (sign company) were present in this regard. Mr. Dragon said they are proposing a double-faced illuminated sign with the name “Tall Oaks” and their logo, with an arrow pointing back toward the facility. He said the sign will be placed on top of the existing Kirtland Dental sign and will match the existing sign in thickness; it will have the same type and color cabinet to blend in with the existing sign.

Mr. Lallo noted that the Board of Zoning Appeals granted a variance for the placement of the sign. He noted the sign would be considered a billboard because the Tall Oaks property does not front on the road right-of-way and the sign would advertise a business that is not on the same property. A variance was also granted for the sign area.

Answering Mr. Denk, Ms. Mowles said the property is set back quite far, and a lot of people have said it is difficult to find; they are trying to make it easier to find and avoid accidents on the road.

Mr. Laux commented that he does not believe the proposed signage would affect visibility.

Mr. Denk opened the meeting to public comment. Janet Jodlowski of 9150 Florence Rd. asked if the sign would be above the Dollar General sign. Ms. Mowles advised it will be placed above the Kirtland Dental sign. Ms. Jodlowski inquired about the overall size of the sign. Mr. Dragon said the new sign is 15 sq. ft. – 1 ft. 8 in. tall x 9 ft. 4 in., which is the length of the existing sign. The Commission showed Ms. Jodlowski the proposed sign drawing. Answering Ms. Jodlowski, Mr. Dragon confirmed that the new sign will be lighted and the existing sign is lighted.

Ms. Jodlowski asked why they can't simply tell visitors where they are located. Mr. Denk replied that the nature of their business attracts many one-time visitors, and it is important to provide direction to the site.

There were no further comments or questions, and Mr. DeMarco moved to approve the proposed signage at 9177 Chillicothe Road for Tall Oaks LLC, as presented. Mr. Vinciquerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciquerra and Denk; Nays – None).

Title Professionals Group – Proposed Minor Subdivision at Anna Drive

Renee Richmond of Title Professionals Group was present and advised that the proposal is to split off two acres of the property owned by Peter Corpus to be sold to Gregory and Kelly Prymicz.

Mr. Denk acknowledged receipt of correspondence from City Engineer Douglas Courtney in this regard. Mr. Courtney advised that a condition of approval should be for a revised plat to be provided to the City that includes items required in Section 1244.03(b)(8) through (13); those items need to be shown on the plat. It was noted that a copy of Mr. Courtney's review was sent to David Novak of Barrington Consulting Group by email.

Mr. Courtney said that Section 1244.03(b) indicates the minor subdivision plat requirements, and he reviewed items 8 through 13. Mr. Courtney noted there are significant grade changes and a watercourse running through the property.

Answering Mr. Laux, Ms. Richmond said the lot split is for the benefit of Gregory and Kelly Prymicz; they have property on Ledgewood, and this will be added to their property for recreation purposes.

Mr. Denk opened the meeting to public comment.

Pete Pozzuto of 10634 Anna Drive said he lives next to the property. He inquired if the lot split will hinder the haul road to the gas well in the back. Mr. Courtney responded that he is familiar with that road and the lot split should not interfere with the road or affect its accessibility. Ms. Richmond confirmed that the split property will be accessed from Ledgewood and will be added to the existing property. Mr. Pozzuto said he has been maintaining the property over the years, trimming in front to make it presentable.

Mr. Lallo said that in order to build another house, the property would need to be subdivided and would need to abut a public roadway.

Mr. Denk invited Mr. Pozzuto to come and look at the plat. Dennis Anthony of 10633 Worrell Rd. also came forward to look at the plat, noting that he also abuts the property.

Ms. Laven noted that the property being split is almost 32 acres. Mr. Lallo noted that the proposal moves the property line and consolidates the two acres with the property on Ledgewood.

There were no further comments or questions from the public or the Commission. Mr. Laux moved to approve the minor subdivision contingent on the City Engineer's approval of a revised plat compliant with the requirements of Kirtland Codified Ordinance Section 1244.03(b)(8) through Section 1244.03(b)(13). Ms. Laven provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

Richards Maple Products – Final Development Plan for 7955 Euclid Chardon Rd.

Jen Freeman and Fred Ahrens of Richards Maple Products were present in this regard. The Commission acknowledged receipt of a memorandum dated August 1, 2023 from City Engineer Douglas Courtney in this regard.

Mr. Courtney advised that when Richards Maple received preliminary development plan approval, an outstanding item that was required on the final development plan was the landscape plan. He noted that the landscape plan has been submitted, and the existing site is being used more or less unchanged. They are adding a vestibule on the west side of the building and doing landscape improvements, which are the only items relating to site improvement. Mr. Ahrens said they are currently using the existing entrances. Mr. Courtney stated that with the submission of the landscape plan, he recommends final plan approval.

Mr. Vinciguerra inquired about outdoor lighting. Mr. Ahrens noted the ground lighting for the sign is being replaced, along with the lighting for the flagpole.

Chairman Denk opened the meeting to public comment.

Matt and Cathleen Knaak of 7771 Gildersleeve were present. Mr. Knaak said they submitted to the Commission on Friday a very large document regarding a number of violations and other items they feel have been severely neglected in the approval of the preliminary and final development plan. She said the use is hazardous and disturbing to them as the neighbors. Mr. Knaak said the lights are a nuisance all hours of the day and night; it shines on every portion of their property and through their windows. Ms. Freeman said they did not add any lighting, but Ms. Knaak said it has to be brought up to code since the property was vacant for a year.

Ms. Knaak said the property is turning into an eyesore - the plants are neglected, the garbage cans are in full view, there are issues with the loading dock.

Answering Mr. Knaak, Chairman Denk advised that the Commission received the 42-page document today, so it cannot be expected that they have had time to review it.

Ms. Knaak said they were told there are two businesses being run out of there; they were told it is being subleased, but according to the lease agreement they are not allowed to sublease, particularly to landscaping companies. Mr. Knaak said that specific to Mr. Courtney's evaluation of the site development plan, both preliminary and final, there are blatant violations that have been grossly overlooked.

Mr. Courtney stated it is an existing site and existing building that a new business is taking over. He is reviewing for any improvements they make to the site; he is not reviewing the site for violations of its current state. Responding to Mr. Knaak regarding encroachment on the residential property, Mr. Courtney said he observed it on the plan and commented on it; it is up to the owner to correct it. Mr. Knaak said it is a zoning violation, referring to Section 1288.14(b). Mr. Courtney said it is a non-conforming existing condition. Ms. Knaak said it was vacant for over a year so they have to bring it up to code.

Mr. Ahrens said that Endura Plastics was still operating when they bought and occupied the building; they just moved everything out this past March. Ms. Knaak said the property is still in the name of Voyage Capital, and they are subleasing which is in violation of their lease. Mr. Lallo advised that is a private issue between them and their lessor; it is not a City issue as long as the use of the property is in compliance with the zoning code. He said the landscape contractor's use is in compliance with the Limited Industrial zoning.

Mr. Knaak said the City Engineer's report is inaccurate. He said the subcontractor has come in and regraded parking lots, and the building is non-conforming to city standards regardless of who is operating there. Mr. Lallo said if the building was in existence before that zoning code was in effect, then it is legal non-conforming.

Mr. Knaak said the city has changed the use by approving a conditional use permit without bringing the building up to code.

Mr. Vinciguerra said he looked at the 42-page document, and he suggested that Mr. or Ms. Knaak review what they have submitted, and that any discussion be directed through the Commission.

Ms. Knaak said it would be helpful for the Commission to review the document, and suggested that this be tabled. Mr. Knaak said they are still waiting on public records disclosures. Ms. Knaak said it was asked as a favor of Richards Maple to house another business there, and he said the city asked him.

Ms. Knaak said her husband works from home, and for almost a year they have been putting up with noise, smoke, gas and smells. Mr. Knaak said this was supposed to be a temporary situation with the landscaper until spring of 2023.

Mr. Vinciguerra said he would like to hear what the City Engineer and the Law Director have to say about some of the concerns brought up in the document.

Ms. Knaak began reviewing her document, noting that she set forth the purposes and the rights and protection of residents. Mr. Knaak said they have pictures and videos that illustrate the items they are talking about. Ms. Knaak said they are dealing with this on a daily basis, and what they are doing there is not okay.

Ms. Knaak reviewed in her document the city's response to their concerns, explaining their lack of satisfaction with the response they received.

Ms. Knaak reviewed the zoning section of her document, noting that Richards Maple does not have a zoning permit. She said there were changes to both the parking and landscaping, and there was intensification of the use by the new occupant which has not been addressed. She said A Plus Landscaping was not reflected in either the preliminary nor the final plans, and they are in violation of specific codes she has noted.

Mr. Knaak said the loading dock exceeds what is permitted by code. He said the parking was not addressed in the preliminary and final plans. Ms. Knaak said the A Plus Landscaping trucks, including dump trucks, excavators and skid steers, are parked on the property, which was not addressed.

Ms. Knaak reviewed the conditional use permit section of her document, noting that A Plus Landscaping is not stated in the permit. She said they are a landscaper, not a contractor, since they do not have a contractor's license. Ms. Knaak said A Plus Landscaping does not meet the definition of an accessory use on the property, and the conditional use permit should be revoked. She said Richards Maple is required to have an insurance policy providing liability coverage for A Plus Landscaping to operate at that location.

Ms. Knaak reviewed the sublease section of her document, including the use and subletting stated in the lease agreement. She said Richards Maple is in violation of their lease. Ms. Knaak said Richards Maple needs to provide a copy of their sublease agreement with A Plus Landscaping, along with permission from Voyage Capital to have the sublease.

Ms. Knaak reviewed the section of her document relating to A Plus Landscaping. She said they have operated in the city for five years, but did not have a business license, and they do not have a registration despite putting in decks and patios. She said they now have a business license, but they are still waiting for the registration in the public records request.

Ms. Knaak said the code requires that all operations are to occur within a structure and generating no nuisances. She said that the A Plus business is not enclosed, and the uses listed in Limited Industrial do not include landscaping. She said they are not a contractor because she has not seen a certification from Lake County. Ms. Knaak said they also did not obtain a zoning permit, which was required.

Ms. Knaak said that A Plus Landscaping, since they are not in a building, repairs, services and outfits their vehicles, equipment and machinery in the parking lot, which is a violation.

Ms. Knaak reviewed the preliminary and final development plans section of her document, noting that she finds it coincidental that the final development plan is now being approved after two years. She said a lot of items have been left off. Ms. Knaak said the City Engineer noted in his report that it will not be hazardous to the surrounding area, but he left out the part about it being disturbing. She said if he had visited the site, he would have seen the effect of the operation of A Plus Landscaping. Ms. Knaak said all the trucks are parked in the residential district. She said they started operating there in September of 2022.

Mr. Vinciguerra inquired of Richards Maple Products if A Plus Landscaping rents office space from them and whether they go in the building. Mr. Ahrens replied that they do not. Mr. Ahrens said there is no lease; it is a favor to them until they find a place. He said there is no contract or transaction of money; they maintain the grass and will do the landscaping in trade. Mr. Ahrens said there is another company that also parks their trucks there.

Mr. Knaak said the lighting has been there since 1920 and it was a problem when Endura was there, and it has not changed and is still a nuisance.

Ms. Knaak said they have lived there 22 years. She noted Endura operated two shifts, and they never had a problem with them because it was enclosed.

Ms. Knaak reviewed the parking section of her document, which also addresses the parking lot lighting.

Mr. Knaak then reviewed the nonconforming uses section of the document, saying that the conditional use should not be valid for the nonconforming structure. They also reviewed their notes from the residential districts chapter and the Limited Industrial chapter.

Ms. Knaak continued with the site design section of her document, citing various sections that are being violated, including screening. She questioned whether A Plus Landscaping is paying their fair share of taxes.

Responding to Chairman Denk, Mr. Lallo recommended that the Commission table the matter for one month, so they can review everything.

Mr. Vinciguerra noted there are concerns about the garbage cans and mechanical equipment not being screened, along with the vehicles in the parking lot. Ms. Knaak said there are also concerns with the lighting, the loading dock, the noise and dust, and because the property is a mess.

Chairman Denk agreed that the matter should be tabled so the Commission can further review the comprehensive document and get some feedback regarding the situation with A Plus Landscaping.

Mr. Knaak said there are eight other residents on their street that are affected and share these concerns.

There were no comments from other members of the public.

Mr. Vinciguerra moved to table the final development plan for Richards Maple at 7955 Euclid Chardon Road. Mr. DeMarco provided the second. Upon roll call vote, the motion passed 5-0 (Ayes - DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

Mr. Ahrens said he has some comments in response. Since it has been tabled, Mr. Lallo suggested that he submit a document to the Commission or address it at the next meeting. Mr. Lallo said the expectation is that it will be removed from the table at the next meeting, which will be held on September 11 at 7:00 p.m.

Davey Resource Group – Conditional Use Permit Application for Streambank Stabilization at 10926 Lakebrook Drive

Kim Brewster Shefelton of Chagrin River Watershed Partners was present in this regard. She said they have been working on a landowner cost-share streambank stabilization program. Private landowners can sign up and 50 percent of the cost to stabilize eroding streambanks on the property is paid by a grant; the other 50 percent is paid by the landowner. She said the goals of the program are to reduce erosion occurring on someone's property and stabilize the streambanks in a sustainable manner, improving water quality for the Chagrin River Watershed.

Ms. Brewster Shefelton said that Chagrin River Watershed Partners is contracting with Davey Resource Group and Marks Construction as their design build team for several sites across the Chagrin River Watershed, and one is in Kirtland at 10926 Lakebrook Drive. She said they have received the Army Corps permit, and they are now seeking the conditional use permit under the riparian setback ordinance.

Answering Mr. Denk, Ms. Brewster Shefelton said the landowner has been experiencing erosion for a few years. She confirmed that this landowner participated in a similar program in 2014 or 2015; this is a different area on the property. Mr. Courtney noted there was similar work in the same neighborhood a few years ago.

Chairman Denk acknowledged receipt of correspondence dated August 7, 2023 from City Engineer Douglas Courtney in this regard. It was noted that the City Engineer recommends two conditions of approval. Mr. Courtney noted that the set of plans he reviewed were not signed by the design engineer; signed and sealed plans need to be submitted. He also noted that the plans must be approved by the Lake Soil & Water Conservation District.

Chairman Denk opened the meeting to public comment on the matter.

Cathy and Steve Zahler of 10899 Heath Road were present. Ms. Zahler said they are on the other side of the river, noting that they will see whatever is being done. She asked what the project will look like. Ms. Brewster Shefelton said the contracting team will do a little excavation to lay back the

streambanks a bit, and will add some rock to the toe at the base of the slope and add vegetation around that rock. She said it is a bio-engineering approach and will become stronger and more stable over time. Mr. Courtney showed them the plans and explained the work being proposed.

Answering Ms. Laven about the construction timeline, Ms. Brewster Shefelton said that the plants should be installed in the fall or spring. Ms. Laven inquired if this procedure has been implemented and successful in other areas. Ms. Brewster Shefelton confirmed they have done dozens of these types of projects, and have worked with Davey Resource Group on other projects.

There were no further comments or questions from the public or the Commission. Mr. DeMarco moved to approve the application for conditional use permit for the riparian streambank stabilization at 10926 Lakebrook Drive, with the following conditions: (1) signed and sealed plans are to be submitted to the City; and (2) plans must be approved by Lake Soil & Water Conservation District. Mr. Vinciguerra provided the second. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

Hannah Cseplo – Proposed Accessory Building at 10109 Hillcrest Road

Hannah Cseplo was present in regard to her application for an accessory building. Mr. Denk said that the proposed accessory building is 2064 sq. ft. in area, noting that a variance was requested and received from the Board of Zoning Appeals because the area of the building exceeds what is allowed for the lot size. Mr. Denk noted that the Planning and Zoning Commission reviews accessory buildings that are larger than 1,000 sq. ft.

Ms. Cseplo explained that she purchased the property believing that it was 2.12 acres, but later found out it was less than two acres. Ms. Cseplo said the building will be a 2-car garage with storage; she noted she does not have a basement in the home.

Chairman Denk acknowledged receipt of a letter dated August 11, 2023 from Patricia Soya of 10107 Hillcrest Road; she is the next-door neighbor on the side of the accessory building. Mr. Denk read the letter, in which Ms. Soya expresses her concerns about the placement of the proposed building.

Ms. Cseplo said that Ms. Soya has an accessory building with an excavator sitting outside of it, along with other items sitting out that do not look good. Ms. Cseplo said she will be adding flower beds and will make it look pretty; the building will have shutters and planter boxes.

Mr. Denk noted that when there are concerns from a neighbor, the Commission typically asks the applicant to provide a buffer. Ms. Cseplo noted that she can plant trees.

Ms. Cseplo said the structure will have electric service, but no plumbing or gas. She advised that her current garage is deteriorating, and it will be removed within 45 days of completion of the new structure.

The Commission acknowledged receipt of a Site and Grading Plan review dated August 7, 2023, submitted by City Engineer Douglas Courtney.

Mr. Denk asked if there is any concern about a septic duplication area. Mr. Courtney said there is enough area in the back yard in the event the septic system needed to be duplicated. Mr. Courtney

confirmed that a condition of the Board of Zoning Appeals' approval requires that the existing garage be removed within 45 days of completion of the new structure.

Answering Mr. Denk, Ms. Cseplo said she submitted her plan last week to Lake Soil & Water Conservation District and dropped off payment for the review this morning.

Mr. Courtney confirmed that he received a revised site plan; his comments have been addressed with the exception of Lake Soil & Water approval.

Ms. Laven inquired if the applicant is putting in a new fence. Ms. Cseplo said a portion of the fence will be taken out and replaced to close up the fence.

Answering Mr. Denk, Ms. Cseplo said by fall they will hopefully have grass in the area of the back drive leading to the old garage.

Mr. Denk opened the meeting to public comment.

Patricia Soya of 10107 Hillcrest Road said she is concerned about the placement of the garage, noting that when she looks out her window she will see the big structure that looks like an outdoor drive-in. She said she doesn't understand why the building cannot be shifted back on the property for aesthetic reasons. She said there are no other structures on Hillcrest or on Billings where a garage is located alongside the house. She said the building is larger than her home.

Ms. Cseplo responded that her front door is on the side of her house, and she has to look at the loader and other items sitting outside on Ms. Soya's property. She said with her new garage, she will look at her own property.

It was noted there are two accessory buildings on Ms. Soya's property. Ms. Soya said the backhoe belongs to her brother, and Ms. Cseplo should not be able to see it when leaves are on the trees.

Ms. Cseplo said the new garage will be 20 ft. off the property line, and she can plant trees along the property line. It was noted that the side yard setback requirement is 10 ft. since the lot is less than two acres.

There was discussion regarding plantings along the property line to minimize the change from the new building. Ms. Cseplo agreed that she would provide plantings.

In discussion, it was noted by the Commission that the building setback from the side property line will be an additional 10 ft. beyond the required 10 ft. setback, and the applicant is willing to provide plantings for screening along that side property line.

Mr. DeMarco moved to approve the proposed accessory building at 10109 Hillcrest Rd., with the following conditions: (1) approval from Lake County Soil and Water Conservation District; and (2) within one year from the date of approval, applicant shall provide plantings for screening between the new building and the side property line to the south. Mr. Vinciguerra provided the second. Answering Mr. Denk, Ms. Cseplo said that the gravel driveway will be replaced with concrete. Upon roll call vote, the motion passed 5-0 (Ayes – DeMarco, Laux, Laven, Vinciguerra and Denk; Nays – None).

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Matt and Cathleen Knaak of 7771 Gildersleeve Drive addressed the Commission regarding property located at 7913 Euclid Chardon Road owned by Gino Notarian. Mr. Knaak said the Richards Maple property is to the south of them; this parcel is to the west and directly behind them. Ms. Knaak said there has been excessive noise and lights shining in their house at 10:00 at night from this property. She said she is not going to call the police, but it is getting bad. She said she has contacted the Zoning Inspector and was advised they are building a house in the back of the industrial property. Mr. Knaak said they have been taking down trees and doing grading for almost a year. Mr. Knaak said their concern is that they are building a house on a ten acre industrial parcel. Ms. Knaak said that in checking with Zoning, no plans have been submitted to the city.

Mr. Lallo advised that the lot has dual zoning – the front one-fourth of the property is zoned Limited Industrial, and the rear three-quarters of the property is residentially zoned. Mr. Lallo showed them the zoning map, noting there are some other properties on Route 6 with the same situation, with a house in the back and a business in front.

Ms. Knaak said they have been dumping and grading the property, and there is a stream on the property. Mr. Lallo said he will try to determine what is going on with this property, noting that further investigation is likely needed regarding the grading activity.

WORK SESSION:

Communications and Bills

1. Board of Zoning Appeals Meeting Minutes – May 16, 2023.
2. Board of Zoning Appeals Notices of Decision – Nos. 23-5, 23-6 and 23-7.
3. Zoning Permits Report – July 1, 2023 to July 31, 2023.

Old Business:

Review of Zoning Ordinances – Chapter 1275 (HTC District)

Mr. Lallo noted that he sent the Commission members the proposed edits. The Commission agreed to discuss this at the next meeting.

New Business:

Chairman Denk noted that the Commission received the 42-page document today relating to the Richards Maple property. Mr. Denk noted that for next month's work session, the Commission will be able to digest and highlight that document. There was discussion, and Mayor Potter noted there was no special favor requested for the landscape company on the part of the City. Mr. Loconti said the landscaper was cited for operating on residential property. It was noted in discussion that the conditional use permit was issued for Richards Maple for the main use of the property. Mr. Lallo said the conditional use permit does not limit the use on the property, as long as any other use is in conformance with the zoning code.

With regard to the business permit, Mr. Loconti said that last fall, work began to update the business list, which had not been done in many years. He went door-to-door to every business, and made a list of all businesses in operation. He noted that approximately half of the businesses do not have a business permit. Mr. Loconti noted that the purpose was to determine the businesses in the city and update the information for the safety forces; there was no charge for those that completed the business permit application and provided updated information.

Mr. Vinciguerra referred to the permitted uses in Section 1279.03, noting that it lists shops and offices of contractors, but it does not specifically list landscapers. Mr. Lallo advised that the zoning ordinances do not specifically list landscapers in any district. Mr. Vinciguerra inquired how a landscaper would qualify as a permitted use if they don't have an office or shop in a building on the property. Mr. Loconti confirmed that he has visited the property and the landscaper is using a separate building on the property for his shop. Mr. Loconti noted there are several other landscapers in that area.

There was discussion regarding registration of contractors, including how it applies to landscapers.

Since the matter is tabled, Mr. Lallo suggested that the Commission members write down any questions they have and send them to him and Mr. Loconti, and they will have answers by the next meeting. Further discussion ensued regarding the property and uses. Mr. Vinciguerra requested that the Law Director ask for clarification from Richards Maple regarding whether the landscaper has a shop or office in a building on the property.

The Commission members agreed that the work session before next month's meeting be scheduled for 6:00 p.m.

Adjournment

There was no further business before the Commission, and Mr. Laux moved to adjourn. Mr. DeMarco provided the second, and the motion passed upon unanimous vote. The meeting adjourned at 9:48 p.m.

CHAIRMAN

SECRETARY