

MINUTES

Niles City Council held a Public Hearing Tuesday, May 23, 2006 at 5:30 p.m. in Council Chambers, Safety-Service Complex, Niles, Ohio. The Hearing was called to order by President, Robert Marino and the Clerk, Linda A. Yuhasz, read the notice.

All Council members with the exception of Councilman Cox were present. Mr. Terry Dull, Mr. Tony Vigorito and Mr. Mark Hess were also present.

President Marino: Mr. Vigorito, would you like to provide members of Council with some background and to refresh their memories on what this is. Some thought that it was rezoning of the Third Ward, would you please give it a refresher.

Mr. Anthony Vigorito: What was brought in was some requirements from the Residential A, Group Residential that we passed already last year and incorporating them into our regular Group Residential rules. They were a little bit more lax. This makes it a little bit more stringent. I know that there were some things that had to be worked out because in R-C and R-B and Commercial Zoning there were different height regulations and the way that Terry wrote them in was that it had to conform to the zoning that it was involved in.

Councilman Scarnecchia: Can we add to this, the requirements that Council made to prior condo developments, which would be they must have city streets, sidewalks and curbs? Should that be in here?

Mr. Terry Dull: This is actually pretty much in all the language that is in the Residential – A regulations that we passed a year and a half ago in this ordinance.

Councilman Scarnecchia: We just made the other developer do that, so it must not of been in the ordinance.

Mr. Terry Dull: Well, he came in and asked for some variances from what the requirements of this ordinance, the R-A ordinance was. Anybody would have the opportunity to come and request those variances. They would have to come to the Planning Commission first, if the Planning Commission would make a recommendation and then City Council would have the final say so on whether they are going to allow any changes from what this ordinance says.

Councilman Scarnecchia: Well we can establish this as law as to what condo associations must do as far as complying with city regulations.

Councilman Fuda: You mean the size of the streets.

Councilman Scarnecchia: As far as the sidewalks and curbs that is not on here.

Councilman Papas: We went with Jerry on that, we said all that was going to have to be done.

Councilman Scarnecchia: You tell us what do we do on that?

Councilman Stredney: They have to come to City Council anyway.

Councilman Lastic: Right.

President Marino: Yes, but you gentlemen must approve the ordinance outlining what will and will not be required.

Councilman Stredney: I am going to have to agree with everyone else with streets, sidewalks and curbs.

Councilman Scarnecchia: We have given this two readings? Maybe next council meeting we should....

Councilman Papalas: You have to do it before that.

Councilman Scarnecchia: We have to do it before that, could we put an amendment to it?

President Marino: You can direct the Law Director to prepare an ordinance with the amendments as suggested. Terry, if there is a drastic revision in the ordinance, what happens?

Mr. Terry Dull: If it is a substantial amendment that requires three quarters of council to pass, so in others words

President Marino: This would be what the Chair considers substantial, that is why I am asking our parliamentarian what procedure we follow. You are directing him to amend the ordinance before its third reading which will be June 7th. I want to make sure that we are with in the rules of your council. If I am hearing you correctly, you, as council as a whole, are directing the Law Director to amend the ordinance to include curbs, sidewalks, twenty four foot from curb to curb.

Councilman Papalas: Wait a minute he had variances.

Councilman Lastic: Are we putting that in, sidewalks?

President Marino: Your rules permit Mr. Scarnecchia to amend that ordinance as the Chair or two members of your committee or four members of Council are permitted to do that. We do need to be very clear on what it is you are asking Mr. Dull to do, very clear.

Councilman Scarnecchia: I thought I made that clear, Mr. Dull I am asking you for the amendment.

Mr. Terry Dull: Okay, it's curbs, sidewalks.

Mr. Mark Hess: The streets are 27 foot curb to curb. Most developments come in and ask for a variance.

Councilman Papalas: I have spoken to the Mayor a couple of weeks ago about this. I think that before we pass this further the Mayor should know about this so that we don't have a negative reaction further that we would rather not see. I am not sure what his feelings are about that. We discussed it but he said it would be up to the Planning Commission. I don't remember all the exact words, but I know he had some issues with the ordinance.

Councilman Scarnecchia: It is councilmanic action.

Councilman Papalas: But, he has to sign it.

Councilman Lastic: Would we have to have another public hearing?

President Marino: We are only required to hold one public hearing and part of the process of the public hearing would be what you gentlemen are engaging in with the dialogue.

Mr. Mark Hess: Terry, I thought that the ordinance David prepared for Altobelli's Development included the street, did it not? Those discussions had always been, even when he wanted the streets private we told him in compliance with the ordinance he would have to build it with the city's specifications.

Mr. Terry Dull: That is what I thought. We talked about a fifty foot driveway. Under D it talks about the minimum width of the street boundary line being 50 feet. I am looking for the words curbs and sidewalks and I don't see it.

Councilman Papas: None of that is in there.

IN FAVOR OF THE AMENDMENT

Mr. Ronald Anderson of Universal Development: We have a proposed development down off of Gypsy Lane, condominiums down there. This seems to still work. It was kind of put on hold. Just a point of clarification on page one, paragraph 5-B it talks about the space between buildings, I am a little unclear about what you are trying to do there.

Mr. Tony Vigorito: Rear buildings are 60 feet if they are back to back. The only time I think it was an issue was if the back yard was (inaudible). That is how it was in the R-A.

President Marino: Mr. Anderson you missed the beginning of the Public hearing where the members of Council expressed their desire to amend the ordinance further to require 27 feet of road, curbs and sidewalks.

Mr. Anderson: It has been my experience that 24 feet curb to curb is okay. Twenty seven is too big and you go faster than you should. We actually like twenty two in our development. The sidewalk is something we can come or go on. I do really encourage you to study some situations were it is twenty seven and thirty. There is something about it especially young girls in fast cars. It is a private development with the right -a -way that you want.

Councilman Papalas: If you are going to have this gated and it's going to be private there is probably little chance that somebody in the future will come and attempt to make it public.

President Marino: Are you going to have a master meter from the city for all utilities?

Mr. Anderson: Individual, just like Woodland Chase.

Councilman Scarnecchia: Woodland Chase has a master meter.

Mr. Anderson: Right, yes it does.

Councilman Scarnecchia: I think I would like to bring his attention to something while we have Mr. Anderson here. Do you know that two years ago when we had rain, we had three units, six families that were totally flooded and they were not in their homes for five months? There was a water drainage problem and the city looked into and we had to invest thirty thousand dollars to put backflow valves in and we don't even know how those are going to work.

Mr. Anderson: Totally flooded? Surface water.

Councilman Scarnecchia: Sanitary sewers. I remember when Mr. Altobelli came in; he also was going to do a private development. Then after negotiating this and talking to council, I think all council agreed that he would have to abide by city regulations by putting the streets and side walks no longer private, it was in that ordinance. We made him do it.

President Marino: It is your legislation that lies before you. You as a chairman can amend. However as Councilman Papalas remarked in the absence of the Mayor it is difficult to ascertain his thoughts and feelings and the direction he would like to see this go.

Councilman Papalas: You could amend it and we will see what happens.

President Marino: You could amend it; you could table it pending further revision until the August 16th meeting. You also reserve the right to call a special meeting which we have done historically every summer during your recess in the event that Mr. Anderson or whoever ...

Councilman Scarnecchia: Excuse me, when will the moratorium be lifted do you recall?

Mr. Terry Dull: I want to say by the end of June but I would have to go and look at my notes.

Councilman Papalas: I think that it is the end of June. Let's amend it and if there are other problems we will have another hearing on it.

Mr. Anderson: So I can understand what is on the table are you trying to add sidewalks to the amendment?

Councilman Scarnecchia: Sidewalks, curbs, and twenty seven foot roads.

Councilman Papalas: A year ago we were under the impression that this was done and that is what we are doing now, dressing this.

Councilman Scarnecchia: If you go by that which we have done for the other developer than the city would be responsible for your streets, if he wants it.

Councilman Papalas: Then also what the previous developers have done is come before the Board and asks for variances.

Mr. Anderson: I'll just repeat what I said about the twenty seven foot wide curbs. If you go to the transportation guidelines and Mark can help you with that, which is a 55mph zone. What would you want that for? It is not adding any value it's just making it more of a hardship. You will get more phone calls of someone speeding down the street.

Councilman Scarnecchia: Well I think this something that we all have to bring to the attention of the fire department.

Councilman Papas: You get people that park on both sides of the street; if you go way under that you are not going to get fire trucks or anything down through there. Twenty four would be the minimum.

Mr. Anderson: I wouldn't plan on anyone parking on the street. They all have parking and visitor parking.

President Marino: Mr. Anderson I also believe that Councilman Papalas remarked that you also reserve the right to appeal to the Board of Zoning Appeals restrictions and have them look at your case regarding that specific matter.

Mr. Mark Hess: Terry what I would suggest very quickly is you have design standards on the first paragraph under two. Under those Design Standards you might want to add the letter I and says the roadway shall be designed the minimum standards for R-A Residential Zone. I think if you add that, you don't want to get into widths and curbs just make it in accordance with the current design standards for residential roadways which are twenty seven foot streets, curbs and sidewalks. It would be up to the developers to go get these variances to twenty four just like Jerry Altobelli did.

AGAINST THE AMENDMENT

None

Mr. Terry Dull: We are going to add curbs and sidewalks as a specific requirement are we talking about width of the sidewalk?

Councilman Papalas: The roadway should be designed to minimum design standards for R-A residential, that includes curbs.

Mr. Mark Hess: If you say that Terry, curbs, sidewalks and the width of the payment.

Mr. Stredney: I have to agree with the developer that twenty seven foot is too wide but this is just like a blanket ordinance for any and all future developments right? So, if these people want to come in and try to go for twenty two or twenty four whatever they think, we do that for each different development that would want to come in all separate.

President Marino: If they wanted to seek relieve from an ordinance they would go the Board of Zoning Appeals.

Mr. Tony Vigorito: Actually it would come to the Planning Commission and the Planning Commission could approve it for the twenty four foot roads and pass it on to Council and Council has the right to either accept or reject.

Councilman Stredney: I have been down through Woodland Chase and that is real nice. I know they are smaller city streets. Okay.

Councilman Fuda: Those streets aren't maintained by the city.

At this time the Public Hearing was adjourned.

Linda A. Yuhasz, Clerk of Council

Robert Marino, President of Council

