

**MINUTES OF A REGULAR MEETING
OF THE PLANNING COMMISSION
CITY OF INDEPENDENCE, OHIO
Held in the Council Chambers at City Hall**

7:00 P.M., FEBRUARY 6, 2007

Chairman Lytkowski called the meeting to order at 7:25 p.m., February 6, 2007 and the following responded to Roll Call:

PRESENT: Dale Lytkowski, Chairman
Fred P. Ramos, Mayor
Gregory Kurtz, Vice Mayor
Jack Shallcross
Jeff Markley, City Planner

OTHERS

PRESENT: Greg O'Brien, Law Director
Don Elewski, City Engineer
Ron White, Economic Development

ABSENT: Tom Narduzzi

AGENDA:

Old Business:

- 1. Indexco Properties, Chestnut/East Ash Road** – Preliminary approval of 12 lot subdivision.
- 2. Hillside, Brecksville & North Renwood Roads** – Preliminary approval of plans for a major subdivision to build 37 single-family homes.

New Business:

- 3. Lombardo Center – Rear** – Approval for change of topography to stock-pile fill dirt.

Other Business:

- 4. Frontage Roads** – Approval of renaming of Frontage Road “C” to Patriot’s Way; Frontage Road “D” to Liberty Way; Frontage Road “G” to Heritage Way; and Frontage Road “H” to Franklin Way.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
FEBRUARY 6, 2007**

Chairman Lytkowski asked for the approval of the minutes of the Regular Planning Commission meeting of January 2, 2007.

A motion was made by Jack Shallcross, seconded by Mayor Ramos, to approve the minutes of the Regular Planning Commission meeting of January 2, 2007.

**ROLL CALL: Yeas: Shallcross, Ramos, Kurtz, Lytkowski
 Nays: None
 MOTION CARRIED**

Chairman Lytkowski asked for the approval of the minutes of the Continuation of Public Hearing with regard to St. Maron dated January 2, 2007.

A motion was made by Jack Shallcross, seconded by Mayor Ramos, to approve the minutes of the Continuation of Public Hearing with regard to St. Maron's dated January 2, 2007.

**ROLL CALL: Yeas: Shallcross, Ramos, Kurtz, Lytkowski
 Nays: None
 MOTION CARRIED**

Lombardo Center – Rear – Mr. Joseph Balog, on behalf of Rockside Acres, was in attendance. They are the owner of approximately 50 or 60 acres of land in the northwest quadrant. They are requesting the right to stockpile approximately 45,000 cubic yards of fill dirt for eventual use in the changing of the topography of this particular area. They do not know exactly the area that will be filled in. There are still questions about the interstate, whether there will be an interstate entrance/exit off of I-480. They will need that dirt for that project. Will they be using it entirely in Independence or parts of the Brooklyn Heights parcel? They would like to go ahead and stockpile the soil. They are proposing to go ahead and comply with the Soil and Water Conservation regulations and have a silt fence around the entire area. The area will be approximately 15 feet high by 350 feet wide by 240 feet. No one who lives in Independence would know where it is. No one who lived beyond Rockside Road would even know this particular area. It is a substantial distance, thousands of feet off of Rockside Road, and about a thousand feet off of Lombardo Center.

Chairman Lytkowski stated that during caucus City Engineer Elewski had some questions about the road and about the purpose of the stockpile and about where the material would be coming from. Mr. Balog stated that the road would be an existing stone road. Mr. Balog does know that when they were building some of the areas back

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
FEBRUARY 6, 2007**

there and working in there, there was mud that was brought onto Lombardo Center. That is unacceptable. That issue would have to be resolved. The material would be coming from any qualified soil material. If there was a job in Independence, it could come from there. Mr. Balog stated that they don't want anything except clay materials that are quality fill material. There would be no broken concrete or anything like that. Anything that they put in, they want to have the ability to go ahead and build on the material after it is filled. City Engineer Elewski stated that Mr. Balog is talking about 2,000 to 2,500 trucks coming into that area. Mr. Balog stated that a truck would bring in 20 yard of soil a truck. They are not going to bring this material onto the site within the next 6 to 8 weeks. This would be as a contractor has the job, the contractor would call them and send a soil sample and then they would take the material if it qualified.

City Engineer Elewski asked over what period of time this would be done. Mr. Balog stated that this would occur between now and the end of 2007. It would be over a one year period of time. City Engineer Elewski asked what type of stone would be used for the road. Mr. Balog stated that the roadway base material would be started by using some stone and broken asphalt, but they would have to go ahead and put a hard surface on top of that so there will not be any mud problems. City Engineer Elewski asked Mr. Balog if he was going to be on the east/west road or would he be off to the side. Mr. Balog stated that they show it directly on it, but the idea is that they would locate it a little to the north on the Royal Manor property, and allow Royal Manor to use it as an access way for their construction until the road is in. Once it gets beyond Royal Manor, it would be moved over onto their property. Mr. Balog stated that he would anticipate that there would be a fair amount of crushed concrete that would be used for the road base material itself.

City Engineer Elewski stated that this pile would be close in the area where they would be putting the sanitary sewer in. Mr. Balog stated that the sanitary sewer would tie into the property that is owned by Ludwinski. The connection would be on his property. Mr. Balog stated that the drawing shows it relatively close to the Ludwinski/Rockside Acres property line, but it is at least 50 to 75 feet beyond the sanitary sewer area. Mr. Balog stated that he would expect the sanitary sewer contractor would ask to put his spoils from the material, if it is clay material, on the pile. The City Engineer assumes that he would need an easement from Mr. Balog to bring that sanitary sewer down to the outlet, will this 45,000 yards be on what would be the future sanitary sewer easement? Mr. Balog stated that it would be north of that. Vice Mayor Kurtz stated that Mr. Balog will need to be sure of that. Mr. Balog stated that whatever the easement area is, they will make sure that the proposed area is outside of the sanitary sewer easement.

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
FEBRUARY 6, 2007**

Vice Mayor Kurtz stated that if it is for a period of one year, if it doesn't interfere with the sanitary sewer easement, if the road base is acceptable material from the Engineer's office, if there is a bond put up for the City's half of Lombardo Center. Mayor Ramos stated that Mr. Balog will have to post a bond.

Chairman Lytkowski asked Mr. Balog how long the stockpile area would be there? Mr. Balog stated that this material might be there 3 to 5 years. Vice Mayor Kurtz stated that the City can only grant one year permits. Mr. Balog stated that they have stockpiled material like this in Brecksville on Miller Road, immediately east on I-77 on the north side of the street. They have 45,000 to 50,000 yards there. Once the material would be put in place, they will seed it. They would agree to do that.

Jack Shallcross asked if there is any requirement from the City what kind of material would go into the pile? There are no requirements, as long as there is nothing hazardous in the pile.

Chairman Lytkowski asked Mr. Balog if he talked to Seven Hills and Brooklyn Heights about this stockpile of dirt. Mr. Balog did not. The Chairman would like them to be aware of this. The Chairman would like to table this matter for a month so that both cities can be notified. The Vice Mayor stated that the City will notify these cities. The Vice Mayor would like Mr. Balog to have a summary sheet as to the type of material, the bond, etc.

Mr. Steve Ludwinski, the adjacent property owner came forward and spoke. Mr. Ludwinski stated that he does have some concerns with regard to this project. Mr. Ludwinski would like that the property be surveyed. Mr. Ludwinski would like to make sure that the pile is in fact on Dalad property and not on his property. Mr. Elewski's office did do a survey for him a few years ago. It should not be too difficult to put some stakes along the property to make sure that this is on the right property.

Secondly, Mr. Ludwinski would like the pile to be a reasonable distance for his property line. Mr. Ludwinski stated that his property is probably 15 feet or so higher than the adjoining properties.

Mr. Ludwinski would like to have a time period stipulated. He would like to develop his property in the future as well. Mr. Balog stated that the pile would be 15 feet high. Based on Mr. Ludwinski's calculations, you are talking about one million, two hundred fifteen square feet of soil. Mr. Ludwinski feels that the pile would be about 30 feet high. He is concerned about the height of the pile.

Mr. Ludwinski stated that the drawing shows a single silt fence around the pile. For the amount of soil that is there, he would strongly suggest that the Engineer takes a look at

**PLANNING COMMISSION MINUTES – CITY OF INDEPENDENCE, OHIO
FEBRUARY 6, 2007**

and possibly put two silt fences around the pile. This pile will erode right down into the water course and right into the Cuyahoga river.

Mr. Ludwinski stated that as far as the time frame goes, if the pile isn't taken down within that time, the City should have the means to go in and correct the situation. Mr. Balog stated that he would seed the pile; and it is required by the Soil Conservation that the pile be seeded if it will be there more than 30 days. Mr. Ludwinski would like the property checked for any wetlands and/or stream areas. There are a lot of wetlands and streams there; so he would like to make sure that the stockpile of dirt is not on any of those.

Chairman Lytkowski stated that this matter will be tabled until next month.

Frontage Roads – The Chairman stated that the Commission is being asked to approve the naming of the Frontage roads. Frontage Road “C” would be Patriot’s Way; Frontage Road “D” would be named Liberty Way; Frontage Road “G” is to be named Heritage Way; and Frontage Road “H” would be named Franklin Way.

A motion was made by Jack Shallcross, seconded by Vice Mayor Kurtz, to approve the naming of the Frontage Roads to Patriot’s Way (Frontage Road “C”); Liberty Way (Frontage Road “D”); Heritage Way (Frontage Road “G”); and Franklin Way (Frontage Road “H”).

**ROLL CALL: Yeas: Shallcross, Kurtz, Lytkowski, Ramos
 Nays: None
 MOTION CARRIED**

There being no further comments or business, a motion was made by Chairman Lytkowski, and approved by the Commission, to adjourn the meeting at 7:45 p.m.

Dale Lytkowski, Chairman

Debi Beal, Planning Commission Clerk
Minutes unapproved at Time Released 2/08/07

