

Board Members Present: Mr. Lapolla, Mr. Ciraldo, Mr. Brown, Mr. Stoiber

Board Members Absent: Mr. Heintz

Officials Present: Mayor Bernie Hovey, Robert Heydorn, Solicitor

Others in attendance: Neil Luketic, 2986 Silverview Dr
Tony Luketic, 2986 Silverview Dr
Dennis Baughman, 2986 Silverview Dr
Fred Johnson, Silver Lake Board of Trustees Chairman, Riparian Setback
Mike Walker, Riparian Setback
Suzanne Lipan, Administrative Assistant

Call to Order

2019-06 Mr. and Mrs. Fink (3084 Markle Drive) - Fencing

Mr. Stoiber said they have made an application to install 40 to 48 feet of fence. The style and material is certainly subject to architectural review.

No one was in attendance representing the Finks.

Mr. Ciraldo – This is really different.

Mr. Stoiber – It looks industrial. The two images provided are quite different from one another, we don't know which one will be used. Also, the height is not noted.

Chapter 1151, Architectural Review, in the very first section it talks about what is expected for architectural review. 1151.01 Purposes (b) (3) talks about compatibility with material and styles surrounding structures.

Mr. Lapolla – Part of the other challenges with these two images, while they both show the corrugated metal and wood, they are both quite different from one another. We are going to need more information.

Mr. Ciraldo – They are showing only 40 feet, we need some definition if this is really a fence or it's a piece of landscaping. It looks like it's a visual barriers.

Mr. Stoiber said because of the various questions, he moves to make a motion on the request for more info.

Mr. Ciraldo made a motion to the table this application pending further information, seconded by Mr. Lapolla. All members signified their approval by saying aye.

2018-38. Mr. Bill Steere - 2986 Silverview Drive

Mr. Stoiber – In reference to the riparian setback, it was approved as an expansion of a legal nonconforming use. We also had the issue to have a rear yard setback encroachment and we do have stamped drawings that indicate the appeals board has approved that variance. The third thing we had was the issue of maximum impervious cover which had been receded and therefore necessary to mitigate that. Drawings were submitted for engineered review and we have a letter from Dennis Stoffer, Spagnuolo Associates, LLC, who has reviewed the design accepts that as being in compliance with our code. The last thing to look at is materials and colors.

Mr. Luketic submitted updated drawings. An incorrect calculation was on the drawing. Mr. Stoiber found it after Mr. Stoffer had reviewed it. We adjusted the drawing and sent it back to Mr. Stoffer, who then reviewed it and approved it. The invert was mistakenly noted, it has been corrected. We had it in the right place, just had the wrong number on it.

At this time, the Commission reviewed the proposed materials and colors for the new construction.

The Commission noted there will be a bronze metal roof.

The Sierra brown will be the controlling color.

Mr. Stoiber - There are two things we need to take a vote on. One is the approval of the storm water issues based on the new plan and the other is the letter from Mr. Dennis Stouffer saying the calculations are correct to control the amount of water that must be retained and allowed to infiltrate on the site to mitigate their overage on the maximum impervious cover. The drawing is a revised one because of the error that was made. I'm asking for a motion that says this complies with our code.

Mr. Ciraldo made a motion to approve the mitigation for the MIC overage as recommended by the engineer, Mr. Stoffer, seconded by Mr. Brown.

All members signified their approval by saying aye.

Discussion regarding the second portion of the project which is the architectural review.

Mr. Stoiber asked for a motion to approve.

Mr. Lapolla made a motion to approve as designed, with the condition that there will be a landscape plan required, seconded by Mr. Ciraldo,

Mr. Luketic asked for a review and approval of the trees that will be taken down. We are only taking the trees down that are in the way of the house. The tree in question is a 30 inch tree.

Mr. Stoiber said as part of the riparian setback, there are requirements for preserving trees within the setback.

Mr. Heydorn referenced the landscape requirements in Section 1153.03.

1153.03 LANDSCAPING REQUIREMENTS.

(a) General Landscaping Requirements. Any portion of a developed lot not used for permitted main and accessory uses shall be landscaped with vegetative ground cover, shrubs and trees in good condition. In the development of property, existing trees and significant vegetation shall be retained wherever feasible, and all applications for a building permit shall identify specifically by diagram all existing trees and significant vegetation to be affected by the development.

Wherever feasible you are supposed to keep the trees.

Mr. Stoiber suggests that they amend the motion that the landscape plan will include the proposed new trees that will be equal in caliper to what is being taken down.

Mr. Lapolla made a motion to amend the previous landscape approval to include installing new trees that will be equal in caliper to what is being taken down, seconded by Mr. Ciraldo.

Mr. Lapolla made a motion to approve the amended landscape plan, seconded by Mr. Brown.

All members signified their approval by saying aye.

Mr. Luketic asked at what point he should come back with a landscape plan.

Mr. Ciraldo - Come back before the fall planting season.

Mr. Stoiber there is a motion and a second to approve the architectural plan with conditions.

All members signified their approval by saying aye.

Discussion: Ordinance 80-2018 Rezoning sublots 249-258 from institutional to residential-Silver Lake Elementary School

Mr. Stoiber said on the 8th of April, Mr. Heintz circulated to us a letter to the Silver Lake Village Council that contains all our thoughts about that ordinance. Do we have any further discussion?

Members said no.

Mr. Stoiber – Asked for a motion to approve the letter to be submitted to Council (a copy is attached to these minutes).

Mr. Lapolla made a motion to approve, seconded by Mr. Brown.

All members vote in favor by saying aye.

Discussion: Riparian Setback

Mr. Stoiber said at our last meeting we did an overview of the changes to the riparian setback code section that we had changed. Mr. Heydorn was here to suggest that we needed to give consideration to how to protect the waters of the lake. So I have done some additional research on the shore line buffer areas, which is sort of a better term.

Riparian setback refers directly to streams and rivers, not to still bodies of water. There are a lot of communities throughout the United States who have struggled with this same issue about how to protect their waters. There are studies that have been done in a number of states like Georgia, Wisconsin, New Jersey, and Oregon these are the ones I've come up with so far.

From the research I've done, most of them talk about several different types of buffers. One is water quality protection. Those that are designed to intercept surface water and slow it down so it is a chance to infiltrate. This allows plants to be able to take up whatever nutrients or other toxins that might be contained within the water itself before it gets into the body of water.

When I looked at those the key items are the width of the buffer. It says the minimum width of the buffer to protect from the runoff of nutrients and pesticides is 35 feet. There's data that it could be much larger than that, but these studies for the most part, looks like to me, have been done sort of preemptively.

If there is a lake with some pressure to do a development that is nearby, then these setbacks for the construction at these depths. Some are 150 feet. There was some place here that suggested to be over 2,000 feet. There are different variables. One of these studies had a situation that sounded very much like what we have with Silver Lake and Crystal Lake. It was an existing neighborhood and an area pretty much built out and they were looking to establish a buffer. In that instance, they went with a 35-foot buffer.

Mr. Heydorn asked which study Mr. Stoiber was referring to. Service Director, Mark Lipan, was emailed a study by Summit Soil and Water Conservation. In that study, where they talked about the 35-foot setback, was in one lake that had been built out.

Mr. Stoiber said this in the study that was done in Clallam County, Seattle, WA. It was Lake Sutherland and a 2012 draft of a shoreline master programs and they recommended 35-foot buffer.

Mr. Heydorn said these studies are very site specific. The question was what could be achieved without destroying the existing subdivision. It's wrong to take the 35 feet as some sort of scientific determination.

Mr. Stoiber said the range they have shown for nutrient removal is from 35 feet to roughly 450 feet. These studies were done over varying conditions. In my opinion, it's likely that a study that recommends something about 400 feet, they're really talking about a much different condition. We had very small watersheds coming down because houses that surround Silver Lake and Crystal Lake, it's really about the center line of the house.

A copy of the study has been attached to these minutes.

Mr. Heydorn said he spoke to Brian who runs Summit Soil and Water. Brian said that situation in Silver Lake, the major source of fertilizer in that lake would be the surrounding lawns and not the sewers. By the time sewers get there, the water has been dissipated to the extent they are not going to do as much damage as the surrounding lawns.

Mr. Ciraldo asked if Brian had any scientific data to back that up. You don't go off of somebody's verbal presentation.

For the purpose of our discussion, we're talking about the riparian setback. The studies also identified things within this that will allow it to be. For instance, in nutrient, sediment, and new pesticide control, eliminating soil disturbance in fertilizer use of pesticides, irrigation and removing of existing native plants are also elements of such a buffer that will allow him to be effective.

It also suggests that encouraging planting of native ground covers, tall grasses, and trees will all contribute to the slowing down of surface waters through the buffer is in the central part of making these buffers.

The second type of buffer is geese control. The research shows that a minimum buffer width of 10 feet. Some of the literature suggests is wider than that. What I get from reading through these things, they all indicate that creating a barrier to the line of sight between who's out there to water and any piece of lawn.

Geese love short grass and Kentucky blue grass. It's stuff they like to eat. It gives them the ability to come to shore without fear that some predator is lurking in the bushes. So, when you mow right to the edge, that's open pantry for the geese. As I said, 10 feet a minimum, Brian will tell you 25 feet, eliminate the shortgrass within that area, encourage tall grasses and plants that provide a year around vision separation from water to the lawn area and encourage and plant those things that will resemble much of the portions of the lake who presently have a natural shoreline appearance.

That's one of the things in the Estates rule book is that people can't do anything to change or breakup the natural shoreline appearance.

Mr. Brown – Then why hasn't it been enforced.

Mr. Stoiber – He spoke to the previous chairman of the Estates and he said if they ask, we let them build what they want on our property.

Mr. Fred Johnson – Current chairman of the Silver Lake Board of Trustees, stated this issue is getting unprecedented attention.

Mr. Stoiber – Excellent. The last thing is aesthetic enhancement that is the natural shoreline and providing enough buffers so that it doesn't become like Portage Lakes where you have houses

hanging out over the water. It's just a busy and highly developed shoreline but allows the natural appearance.

That is to encourage plants that are adaptable to the lake's condition, eliminate removal of trees and plants and removing invasive exotic plants when they are found.

Having monocultures is a real bad way to go as far as landscape is concerned. All of those three things come into play. Certainly the 35-foot minimum for the nutrient interception is greater than what the minimum are for the geese.

We have to be thinking in terms of 35 as a minimum and there may be that we need to have more than that. It's an interesting thing that this study found, Approach for Developing Buffer Recommendations, that's that same study in Seattle, Washington. So many factors to consider when identifying the appropriate buffer standards. It can be tempting to opt for a personal by personal, since the single bid seems unjustified. However, such approaches are typically unworkable, irregular toward context because they provide no predictability for property owners and are cost and time consuming. As a result, most jurisdictions have opted for fixed with strategies that allow for some variability based on insisting shoreline conditions and the intensity of the adjacent land use. And that was a recommendation as part of this stuff. So the situation we have right now with riparian setbacks is no homeowner here. They're making two or three people in this village who have access to the data needed for them to figure out what their own right setback would be as far as our code calls for, they have to go through a process and would slow and water and figures out what it is and they get a chance to respond and then ask for modifications.

If we have a setback that you can walk out to the shoreline and you can step off 35 feet or 50 feet or what it ends up being, here's where I have to stop mowing or fertilizing. The last thing is exceptions. Where would there be exceptions to the buffer, one for existing lawful but nonconforming structures. So essentially somebody who's got a wall or some other structure there or it got worked out. The second is for public utility crossings. The third is both the Silver Lake Estates and Crystal Lake Association should have existing functioning recreational facilities. This buffer needs to be able to be modified so that you don't have to shut down the beach. That's the research I've come up with so far.

I think its good material to hear what we're talking about. And recognizing that for a bunch of Silver Lake a lot of the board's property is willing to be involved with this. I just did a quick look and if you go around the amount of dry land property around the lake may vary from a foot to 150 feet in places. There will be some places where everything there will be in your property and it'll be in your interest to look to make sure that people aren't violating that. In some cases, it'll be a combination of some of your property and some adjacent property owners.

I have asked Summit County to prepare maps for most Silver Lake and Crystal Lake showing the property lines and showing offsets of the lake edge to various widths.

Mr. Ciraldo - What's the average pool level and can it be controlled? Being rhetorical and part of this discussion is how you look at the pool level and how has it affected the shore. What elevations

is set and that's why it got to be some investigation before we say 35 feet, 150 feet, natural land, not natural land. I mean that's part of the issue.

Mr. Stoiber - They have the ability to lower that lake, it has control structures on both lakes. So that's why in a big big storm that might raise four-six inches or something, but he's not going to be there for very long. This is unlike a river in which case during a storm that flood plain rain goes out to the side.

Mr. Heydorn - Number one is that this idea of standardization certainly is a popular one. Right now the way the riparian setback works, unless I've misinterpreted, does everybody around the lake as a 75-foot riparian setback based upon the watershed area and then the slope is that figured in to figure out whose variances of that on that 75 foot.

So that the key factor here is not just some standardized area, but it's the slope of the land. It's a key factor because how fast that water runs down the side of a hill has a lot to do as to its absorption. So consequently, if you don't vary that based upon the slope, then you are avoiding the science behind absorption.

The second thing is that certainly my chief concern as I think it would be most people's chief concern in this situation is that once you present an ordinance to Council or present a recommendation to Council. They have 60 days in order to put it on first reading and they have 60 days to affect it or not.

If you produce solely an ordinance and says, let's take away the riparian setback for the lakes without replacing with something.

Mr. Stoiber - We're not even talking about that, Bob.

Mr. Heydorn - Let me just point out your original proposition that you put out here and it's still in writing as far as I know, has taking the lakes out of the riparian setback. Now if you've changed your position saying we're not going to bring that forward to Council unless we've also built in some form of a buffer system, then that makes a coordinated effort that doesn't leave you without restriction while you're researching your buffer.

So, the point I'm making is that whatever you do, I would hope that it is not reducing the restrictions, don't repeal without a replacement. If you have a replacement that has some better method, that's fine, bring it forward.

Mr. Stoiber—That's what we are talking about.

Mr. Heydorn – I just wanted to make sure that was the case.

Mr. Stoiber - You'll notice that we didn't call for any vote on the existing modifications and at the last meeting we said the same thing. We said Bob, we think there is a better way of addressing the lake edge rather than trying to use riparian setback calculations to do that. So, it is our intention at

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this point not to bring anything to Council until such time as we have identified what we believe to be the better way and include that all as one submittal.

Mr. Heydorn – Thank you very much that makes me feel much better.

Mr. Stoiber - This will go on for several more months so we are not rushing to get something to Council right away. We have no time restriction on this because this is not something that was referred to us by Council. This is something that we are the generators of this concept. So this discussion will be going on for a while. So, your input will be invaluable.

Mr. Heydorn - Dan Markowitz is the Chairman for Crystal Lake and he should be involved in all of this. Plus his background is environmental science. So, he would be good to have around.

Mr. Michael Walker - Last year, Silver Lake replaced the parking lot. Denny was incredibly instrumental in assisting with the design of the parking lot. We installed or developed a rain garden, as a buffer, which basically the waterflow in the parking lot, essentially terminates in a dry well.

Mr. Stoiber - Thank you all for your participation tonight. If there is nothing else to discuss, I'll take a motion to adjourn.

Motion to adjourn by Mr. Brown, seconded by Mr. Ciraldo. All members signified their approval by saying aye.

Mayor Hovey announced to the Commission that Planning Chairman, Jeff Heintz will be receiving the St. Thomas Moore Award, the most prestigious award the Akron Bar Association gives out. The ceremony will be on Friday, May 3, at noon at St. Bernard's Church.

Also, Councilman William Church's mother passed away she was 98.

Meeting adjourned at 7:36 pm.

Approved:



Dennis Stoiber
Vice-Chairman