

**Call to Order**

Mr. Stoiber, Vice Chairman, called the meeting to order and asked for a roll call of members.

Planning Members Present: Brown, Ciraldo, Stoiber

Planning Members Absent: Heintz, Lapolla

Others in attendance: Mayor Bernie Hovey  
Suzanne Lipan, Administrative Assistant  
Ms. Terri Cordi  
Matthew Jones, Contractor for Plan 2019-13 (Cordi)  
See attached sign-in sheet for others in attendance.

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**Approval of Minutes**

None at this time. Minutes are being transcribed and reviewed.

**Commission Discussion**

***Plan 2019-13 ~ Ms. Terri Cordi, 1532 Graham Rd., Lot 6, Silver Lands North***

Application to erect a 12' x 12' deck. No elevation drawing was submitted.

Application to erect a 20' x 30' chain link fence enclosure. No height and color submitted.

Ms. Terri Cordi - I just bought the house a month and a half ago. The reason for the decadent fence is because I've had a double knee replacement and I have a lot of people in the family with special physical limitations. I just wanted something a little simpler for us to get around. I also have a dog who needs a safe space.

The contractor is going to put the deck on the bottom level. There is a tiny little walkout pad with French doors in the path and front doors. He's going to build it straight off of that so we don't have to step down into the backyard. The backyard is pretty much woods and a little bit of grass. There being no further discussion by the Commission, Mr. Ciraldo made a motion to approve. Mr. Brown seconded and the motion was unanimously approved.

***It was indicated at the June 24, 2019 Planning Commission meeting, there will be no discussion on the riparian at the July 8, meeting.***

Mr. Stoiber - The riparian setback is not on our agenda tonight, therefore, we have not planned to discuss anything. Several residents were in attendance to discuss the issue and time was allowed.

**Meeting Minutes of the Planning Commission – Monday, July 8, 2019, at 6:00 p.m.**

Mr. Lloyd wondered why the riparian issue was being tabled. There's a lot of fear and uncertainty in the eyes of the residents that their land is at risk and they may lose it. That fear and uncertainty breeds all kinds of rumors, speculation, and things along those lines.

Mr. Stoiber said the Commission knew at the last meeting that two members would not be at this meeting. The Commission would prefer to discuss this with all members present.

Mr. Lloyd asked if the Council meetings occur opposite Monday of these meetings at 7:00 PM. Mrs. Lipan said yes.

Mr. Stoiber - We're still gathering input from residents. What we send to Council will be after that.

Mr. Lloyd confirmed that it would be premature to attend the upcoming Council meeting on Monday. Mr. Stoiber said we don't have anything to send to Council.

Mr. Lloyd – If I hear you correctly, you are currently working on something to submit to Council. Is that what I heard?

Mr. Stoiber - Each individual is considering what we have heard. We have not discussed it among ourselves at this point. Hopefully we will get into that at our next meeting two weeks from today.

Mr. Lloyd is fearful of misinformation out there and is there anything we can do to calm the residents down.

Mr. Stoiber - There is in place riparian setback regulation that has very large setback requirements. Our thought is to reduce those to a distance or a buffer around the lake. This addresses the issue of storm water quality without imposing overly burdensome restrictions on property owners.

Mr. Lloyd – To clarify for those who are present, the riparian setback ranges from 30 feet to 175 feet. The higher elevation from where it sets back. Therefore, for my home at 3165 Silver Lake Boulevard, I'm up really high. I'm about 150 feet. My riparian setback is 175 feet, considering my garage. I think what we're trying to do here is, so it's something smaller or something less.

Mr. Stoiber thanked Mr. Lloyd for his comments.

Mr. Sanderson said he'd like to piggy back on what Mr. Lloyd was saying about the riparian setback. I'm all in favor of keeping the lake healthy and vibrant. I don't think I'm in any violation. I have lots of trees and we're a little higher up. It would be pretty imposing to me as well. As for the record, I want to state I will only support anything that imposes restrictions on my land with some science behind it. I'm a scientist by nature; so saying, "Well, we'll make it 10 feet or 30 feet," I am asking, why? I want to know the science behind it with legit, if not best practices, from other communities or whatever our task forces are named that we're setting up. I truly believe that imposing restrictions on property that I've purchased before knowing any of this

riparian business, is a little unfair when my yard's a drop in the bucket compared to the storm water that dumps in there. I truly believe that. I'm saying for the record, I'm not going to support anything that doesn't have legit science behind it as to why. Thank you.

Mr. Mike Marhoffer asked about the groundwater and what is the issue? Is it coming from the whole Village down the lake? Is there another way to solve this issue rather than take property from owners? Is all the groundwater from the high areas causing this? Mr. Stoiber said it's not groundwater, it's surface runoff that is the issue.

Mr. Stoiber - This applies to anybody whose property is around the lake. I can't think of a piece of property around the Silver Lake anyway in which the water runs away from the lake. It is everybody's back yard. How we can reasonably mitigate the impact of that water which is potentially taking sediments, nutrients, pesticides, herbicides, the rest of that stuff, and keep the bad stuff from getting into the lake. That's our intent; to try to do something that is a reasonable way to contain that property.

Mr. Stoiber discussed the grassroots water shed group within the Village.

Mr. Wilson - You want to go ahead and put different types of plants and things like that around the surrounding border of the lake. I'm just curious.

Mr. Stoiber - No, we didn't suggest plantings. That was another homeowner who said that. What we have been talking about was a buffer area; a much narrower buffer than presently is required in which it would just be a natural situation.

Mr. Wilson - We all know the sewer system here is just a mess. I guess my problem with this is that we don't... I know we repay, do all those things, dig the dirt out of sewers and I pick up stuff up off the sewers all the time because it just washes right over. The water is rushing down and nothing has been done about that. You might change the slope a little bit but that water is still coming down like crazy. But if I'm living on the lake, and you're going to be taking away property from my back yard, I would think you would do the professional courtesy and go around to us and say, "Hey, this is what's going on, I want to inform you," instead of hearing it second hand from other people. I don't like how it's very behind the scenes kind of stuff.

Mr. Stoiber - We hold public meetings. We've had several public meetings in which we have discussed some things where people have come to do that. That seems to be the forum for you getting your information. We've done nothing behind the scenes.

Mr. Wilson - Well, the last time I was here, it was good information. I just feel like if you're actually going to be thinking about taking any kind of property from anybody.

Mr. Ciraldo - Nobody's talking about taking any property.

Mr. Wilson - You are thinking about it.

Mr. Ciraldo - We're not taking anybody's property.

Mr. Wilson - So you're not going to take down the yard?

Mr. Ciraldo - We don't have the authority to do that.

Mr. Stoiber - We don't.

Mr. Wilson - So you're in the process of thinking about it.

Mr. Stoiber - We are planning this to make recommendations to Council to modify the zoning code to reduce an over-burdensome requirement right now called the riparian setback. It is not a scientifically based method for protecting the lakes. When applied the lakes, a riparian setback metrics were taken from the county's riparian setback legislation, which applies to streams and rivers. Lakes and ponds are not streams and rivers. They have completely different issues. We think that needs to be changed. Nobody's talking about taking your land or anybody else's land. However, what we are talking about is potentially a reduction in the impact that riparian setback at present has under a property right today.

Mr. Wilson - So that 150 feet, is that what it was last time, something like that?

Mr. Stoiber - Please listen carefully, I'm going to say this one time because this is a complex matter and it's one of the problems with riparian setback. The riparian setback legislation creates for each of the two lakes a base setback, based upon how much water the area, the watershed area, comes to the lake. With Silver Lake, that's approximately one square mile. And because of the one square mile, per the metrics in the legislation, that requires a 75 foot setback from the ordinary High watermark of the lake. In addition, if within that 75 feet that are steep slopes, that kicks in an additional amount of setback.

Mr. Wilson – So I see that my property is the most extreme.

Mr. Stoiber - We don't know yours.

Mr. Lloyd - You can see the anxiety in the residents here. It's only getting worse. Every day it gets worse and worse. We have meetings in people's homes and everybody's just in fear and consternation around this whole thing. You had mentioned you were going to be giving a recommendation to Council, which I think is great. One of the things we advanced at two meetings ago was can we talk about getting lakes taken out of the definition of riparian for Silver Lake? And then let's get a group together to talk about how we can do something with the land. Have the residents be involved? I, for one, would love to be on a group that sat down and said, "What can we do to fix this?" And I would be more than willing to go door to door to explain why it's important for us to do this as members of the lake. But the way it is right now, you can see, like I said, it's only getting worse. How do we stop that from happening? We don't need to be at odds with each other about this. Let's get lakes out, and let's figure out how we can fix it together.

Mrs. Debra Sanderson –You're trying to put together something. You're going to allow the people over on the lake to do suggestions of what they think might help? Maybe use some of our ideas.

Mr. Ciraldo - That's what the last three meetings have been. There has been an open mic for people to say what their issues are; and any suggestions, certainly. But what I think as a result of our last meeting and really tonight we've heard nothing new. I believe that to a large degree that's because you don't have something to react to. What I'm suggesting to the other commission members is that we create something that people can listen to and say, "I like that," or, "Can we do this differently?" or whatever. I think that's going to be the process that is going to allow us to move forward and at least make sure that we hear everybody's concerns before we send a recommendation to Council.

Mr. Stoiber - In the past, we have recommended some things to Council, including various things in which we -through a lot of work- managed to build into some flexibility so that it wasn't just "Here's what it is." We have managed in some ways to be able to figure out ways to say, "Here's what the requirement is, but if you choose to do something else, here is something that you can do to make that happen." I think building in that kind of flexibility with this riparian setback thing is going to be an important part of it.

Attendee - Question on the fertilizer point.

Mr. Stoiber - The phosphorus is kind of the big issue. Nitrogen does it as well.

Mr. Stoiber - That was six or seven years ago that Council was looking at requiring that no fertilizer could contain any phosphorus. There was pushback on that. I think at the time, it was determined that most of the major services that came in were not using phosphorus in their fertilizer. I don't know that that is still the case. I know you can still buy fertilizer that has phosphorus in it. It's necessary for growing fruits and vegetables and those sorts of things. Also, if you're putting in a new lawn, phosphorus is an important thing. I don't think from our standpoint that's going to factor into our discussions at all. We're really looking at the zoning geometrics that we're able to deal with. There's no real way of enforcing. No one is going to go check the bag in your garage to see if there's any phosphorus in there.

Mr. Sanderson - I think for myself and I don't speak for the residents, but I've heard residents be happy with this as a resolution. Take lakes out of the definition of riparian. Let's put together a group that works together.

Mr. Stoiber - I don't think that the planning commission is prepared to make a recommendation at this time to Council to simply remove the riparian from the code.

Mr. Sanderson - We recommend to the Council that those bodies work together to solve the issue.

Mr. Stoiber - We have already created with the Silver Lake Trust and with Crystal Lake a sort of a working relationship where we think we're all on board. That's a refreshing change of pace


from what it has been in the past. As far as we're concerned, as far as the code is concerned, this is the one area that we have some responsibility in doing something about; as far as the individual homeowners, as far as the Village doing these green infrastructure stuff. The Planning Commission has no power to do any of that stuff. This is why I would recommend to anybody who is concerned about the lake, to get involved with the grassroots and the watershed group. That's the way we can spread it to individual property owners who, let's face it, the area of individual properties is by far the biggest land bunch group collection in the Village. Therefore has the biggest ability, and if everybody got on board, to handle both the plotting and the water quality issues.

Mr. Johnson - With that said, there are a couple of social media opportunities. We have a Facebook page where items can be posted on our Facebook page.

Mr. Stoiber asked if anybody else has any other non-repetitive conversation. Mr. Mayor, do you have anything you want to say.

Mayor Hovey - I understand all the residents' concerns. I certainly agree with much of what you were saying. I think we all want the same thing. I think between the residents, the trustees, the planning commission, there can be an agreement reached, a consensus reached which works for everybody. As I told Mr. Lloyd, no one is taking property away. There is no discussion of that whatsoever. I personally would not stand for anything that would take property away from anybody. I just think many of the comments you made are very good. I think the planning commission does their job. I think they're studying the issue. I don't expect anything radical. I like something to come out of this that discussing with the residents is going to be something that we can all live with.

There being no further business to come before the Planning Commission, Mr. Stoiber thanked those in attendance for coming and adjourned the meeting at 6:57 p.m.



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Dennis Stoiber, Vice-Chairman