

Planning Members Present: Stoiber, Ciraldo, Brown, Lapolla, Heintz

Others in attendance: Suzanne Lipan, Administrative Assistant  
Robert Heydorn, Village Solicitor  
See attached sign-in sheet for others in attendance.

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**Call to Order**

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

Mrs. Lipan called the roll. All members were present.

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**Approval of Minutes**

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

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**Commission Discussion**

***Plan No.: 2019-14 Ms. Claudine Steinfurth, 2853 Lee Road, Lot 29, Silver Lake Estates.*** MIC not needed.

Application to erect two 6 foot x 6 foot sections of a white vinyl fence for privacy.

NOTE: Job was started without first obtaining Planning approval. Job was stopped on July 9, 2019. Applicant made application immediately upon notification.

The application and accompanying drawings were circulated to the members of the Commission. No one was in attendance to represent this application. Mr. Stoiber questioned the height of the fence. There being no further discussion by the Commission, Mr. Stoiber made a motion to approve the application conditional upon verifying the height. Mr. Lapolla seconded and the motion was unanimously approved.

***Plan No.: 2019-15 Mr. Patrick Primm, 3049 South Oakhill Rd, Lot 164 & 165, Silver Lake Highlands.*** MIC not needed because there is no increase in impervious surface.

Application for an addition to bump out existing wall on the northwest corner of the building.

The application and accompanying drawings were circulated to the members of the Commission. Mr. Primm and his contractor were in attendance to discuss this application. All finishes will be the same as the existing house. There being no further discussion by the Commission, Mr. Ciraldo made a motion to approve the application conditional upon verifying the height. Mr. Brown seconded and the motion was unanimously approved.

**Plan No.: 2019-16 Ms. Diane Paul, 2875 Lakewood Dr, Lot #12, Silver Lake Parkwood.**

MIC submitted- No issues

Application to erect an 8' x 11' gray plastic accessory building in the rear yard 10 feet from the rear and side property lines. The shed color does not match the house.

Mr. Jeremy Paul was in attendance to represent this plan. Plans were distributed and discussed with the Commission. The Commission had no issues with the application. There being no further discussion by the Commission, Mr. Stoiber made a motion to approve the application conditional upon verifying the height. Mr. Brown seconded and the motion was unanimously approved.

**Plan No.: 2019-17 Mr. Bill Newhouse, 2915 Millboro Rd, Lot #98, Silver Lake Estates.**

MIC submitted.

Application to erect a 10' x 14' screened room.

Mr. Newhouse was in attendance to represent this plan. Plans were distributed and discussed with the Commission. All finishes will be the same as the existing house. The Commission had no issues with the application. There being no further discussion by the Commission, Mr. Ciraldo made a motion to approve the application conditional upon verifying the height. Mr. Brown seconded and the motion was unanimously approved.

**Plan No.: 2019-18 Mr. Joseph Mellott, 3030 Silver Lake Blvd, Lot #293, Silver Lake Estates.**

MIC submitted-No issues

Application to build a pergola and erect a fireplace in the rear of the dwelling.

NOTE: Job was started prior to Planning's approval. Job was stopped on July 8, 2019. Mr. Parsons made application immediately upon notification.

Mr. Brandon Parsons was in attendance to represent this application.

Mr. Stoiber - The issue here was that the chimney is already in place and the setback from the two property lines had not been located. From the document submitted, it appears that the one offset is less than ten feet.

Mr. Parsons - I have a solution. I can cut that at a 45 degree angle.

At this time, Mr. Heintz asked for order from those in the audience who were disrupting the meeting.

Mr. Heintz told Mr. Parsons to resubmit a plan that shows the modifications. There being no further discussion by the Commission, Mr. Stoiber made a motion to approve the application conditional upon bring a plan that adequately depicts the changes. Mr. Brown seconded and the motion was unanimously approved.

*Discussion on riparian*

Jeff Heintz - I attempted a revision of the existing riparian setback issue, which I now refer to as a waterfront setback. I continue to believe it is in the best interest of the Village and all residents and property owners, for enhanced protections to exist with respect to properties that abut Crystal Lake and Silver Lake and any other waterways within the Village.

I circulated the revision to as many people as I could whose contact information I had as well as to Mayor Hovey and the President of Village Council, Mr. Jones. I also circulated it to the members of the Planning Commission. What I would propose is that we have a discussion this evening. Then at a time when we can come together during the course of a business day, have a work session where people can be heard.

Mr. Heintz then asked for comments from persons in attendance and a general discussion ensued.

Lou Ciraldo – I would like an opportunity to read through it.

Brian Lapolla - He liked that you talked about what you can do down to the water's edge. I think we've established a precedent in the Village that mowing down to the water's edge is something that is done on a lot of properties. For that reason, it seems like making it allowable per this new code makes sense to me. I think some of these other items that really articulate a 35 foot setback are the things that I want to think about in a little more detail.

Don Brown - I like that you included impervious cover and you can't do any impervious cover down by the lake. I also like that you are proposing a 35 foot buffer.

Denny Stoiber - From my standpoint, the fatal flaw with the riparian setback is that it's failed to recognize the difference between moving bodies of water, that is, streams and rivers, and still bodies of water like ponds and lakes. It's a significant difference when it comes to what was being considered to protect streams and rivers, and a different consideration for lakes. The riparian setback metrics were set up after a lot of study by many agencies and put together in a way that would protect streams and rivers so having a graduated program for setbacks there is a real important thing. Not so much for ponds and lakes. As riparian setback was applied to ponds and lakes here, what that gave us was a situation like the Steere's property in which parts of their property, the setback was 175 feet, which really doesn't address the problems on each individual lot. Each individual lot, for purposes of what we're trying to do, is its own little watershed. And some of those properties, because mostly the roofs and the front yards drain to the streets, the backyards drain down to the lake. That's a pretty small watershed. Some of those houses are setback 200 - 250 feet from the edge of the lake. Some are 40 feet from the edge of the lake. So the amount of area that is receiving stormwater and then that water running down the hill is a fairly small watershed, so to have a 175 foot buffer is just is not reasonable at all, and so what we want to recognize is the fact that there are two different types of situations that we are addressing.

Mr. Stoiber - With all due respect, Mr. Chairman, your proposal likewise doesn't recognize the difference between the two. For instance, the Cuyahoga River brings about 165 square miles of

watershed. So to say that a 35 foot buffer will do anything in the face of a big storm in the watershed is just not correct and really needs to be refined.

In my mind, there needs to be two different things. The stream and river one which there is ample study behind to set up those metrics for the riparian setback. And a separate one for the still bodies of water which essentially is trying to address this small watershed of your backyard and your backyard and everybody else's backyard that comes down it. This small watershed that all we're talking about is the water that's falling on a quarter of an acre of land. We need to do something to try to make sure that sediments and pesticides and nutrients don't get into the lake. So I think the failure that I see here is the failure to recognize that and create two different standards.

Jeff Heintz - That was one of the points from Mr. Heydorn, and I acknowledge that the waterfront setback as I described in this proposed revision, does not address the streams and rivers the way the existing legislation does. Ironically, the only person here tonight who lives on a water course other than a lake in this Village is myself and my wife. The one up above Graham Road on Dover that drains into Crystal Lake is one. The river of course is one, and when Mr. Heydorn sent his comment to me about that, I think he's got a point. It's at least something that needs to be thought about. There may have to be a different set of parameters that would address this in a different way. We all should think about that, and see how that can be woven into what we're trying to accomplish here.

Mr. Heintz - The other important change is the notion that there is an expanded use of the concept of conditional uses now as it relates to these things which provides a level of oversight, but yet the presumption that a use is going to be lawful. There's a little bit more scrutiny attached to it than that. There is significantly less potential impact or potential restriction placed on property owners certainly as it relates to uses that are currently effecting the backyards now.

Mr. Stoiber - I have two more points. The point about mowing to the edge of the lake, in all the literature that I've looked through, that 35 feet buffer area is established here in your draft, the way that it takes sediment and nutrients and the like out of the water running down the hill, is by slowing that water down to the point where that stuff can settle out by allowing it time to infiltrate, and by allowing those nutrients to be taken up by plant material. We know that there is a coefficient of friction that is one of the factors in how this velocity of something rolling down a hill is. The low cut grass offers very low resistance, so most of these buffer areas there are thicker ground covers. In most cases, it's natural growth. It can be something that's planted as well that allows that to happen. To say that you're going to mow right to the edge, I think that takes away the ability of that buffer to do its job. The second point related to that is that the literature tells us that water fowl, which are pretty major polluters of water and effect the water quality, are only comfortable coming ashore when they can know that there are not predators ready to pounce. Mowing your lawn up to the shore gives them plenty of viewing capacity, and that's where they like to come on shore, and that's why you find a bunch of goose crap on your lawns and this and that. So those two things relative to mowing to the edge I think are not helpful, do not help in cleaning up the water.

Denny Stoiber - The third issue I would like to make a mention of is the trees. As I read, what you've written, the protection of trees is only within the 35 foot buffer. When a number of us had gone around the lake in a boat and looked at it, we saw a couple of properties that had recently

been for all intents and purposes clear cut, we said that really doesn't fit in very well with the sort of other more unspoiled areas of the eastern shore of the lake. There should be some trees there.

Mayor Hovey - What Mr. Heintz wrote does what you intend it to do. I think there's some overreaction to this. People worried about things that could happen that are never going to happen, and I think with the intelligence and expertise of this Planning Commission and of the citizens working together there will be a solution that will serve both the residents and the Village as well.

Polly Bloom, 3025 Silver Lake Boulevard - There's been some heated discussion, but I think overall it just reinforces that the lakes are really important to the Village. I have an overall concern about the rewrite, that it's over simplification, and my second question may clarify how it relates to whether the current Summit chapter stays in effect or your suggesting doing away with the Silver Lake Ordinance completely, and operating streams and moving body water under the Summit chapter.

Albert Lloyd, 3165 Silver Lake Boulevard - I want to thank Chairman Heintz for the time, effort and energy he has put into this. I can't even imagine how long it took you to write it. This email cleared up a lot of uncertainty I think in the minds of individuals. You addressed everything. I recognize that there's a need for oversight and legislation. We have to have that to keep the lake beautiful and keep this community we have.

Jeff Heintz - Mr. Heydorn pointed out a couple meetings ago that the charge that our Commission has been given under the charter is considerably more expansive than that, and when issues like this develop particularly with respect to assets in the Village that are as important to the Village as the lakes are, and properties in the Village which are as valuable as the lake front properties are, then you've got to be willing to work cooperatively together to try to come up with a solution recognizing that you're not always going to agree, recognizing that there are going to be instances where people are going to feel like their use of their property is being infringed upon whereas others are feeling like insufficient attention is being paid to the preservation of the or the enhancement of the quality of the lake. I think we've all seen that we've got an issue here with Silver Lake. We need to do something about that. One of the points that resonates with me is that this is an issue that extends far beyond just the interior perimeter of the lake and whatever you guys are doing in your backyards. It's all over the Village because of the way the stormwater system was installed a million years ago. We to focus as much attention as we can on remediating that problem and to diminish the immediate threat that is the runoff from the properties immediately abutting the lake.

Mike Walker - I just wanted to mention that the Silver Lake Estates Trustees have worked with EnviroScience for many years, and actually there's a study that predates the Wet Weather Study that was done for the Village at the request of the Village. We had a study commissioned and completed in 2012, and it was very informative with regard to the water body, Silver Lake water body, and essentially the chemistry and ecosystem, and their best scientific explanation of that was happening in that water body.


Jeff Heintz said don't forget your lawful non-conforming use. It covers you and covers any buyer of you, and covers any successor to the property in the event that the building is demolished, but

restored within two years. We're not saying we're going to render your property unbuildable. With the notion of conditional use, there may be some additional oversight that will be required in the event that your property is demolished and rebuilt. We have to do the best with what we have now. The lake is deteriorating before our eyes. I'm not trying to be an alarmist, but if I were living on the lake, I'd be worried about that. I think we're right to pay attention to this, and I'm delighted that we've got the level of interest that we do.

Dave McDermott said the riparian issue concerns him. Hank Gulich said he is looking forward to working with everyone to move forward in a positive direction.

Jeff Heintz said the involvement of what the Silver Lake Estates Trustees is now versus what it was even five years ago is a significant and remarkable improvement that I applaud. Jeff Sanderson, 3173 Silver Lake Boulevard wants the lake to be protected and viable. Mr. Stoiber discussed downspout disconnect, rain gardens, infiltration basins, and the maximum impervious cover provision. Discussion ensued regarding expanding the regulation as it relates to cutting down trees. Discussion regarding the testing of algae and the like in Silver Lake. Discussion of the Planning Commission having a working session to discuss the riparian ordinance.

There being no further business to come before the Planning Commission, Mr. Heintz thanked those in attendance for coming and adjourned the meeting at 7:35 p.m.



for Jeff Heintz, Chairman