

Minutes: Russell Township Board of Zoning Appeals
Russell Town Hall
June 30, 2008

Present: Steve Gokorsch, Chairman
William Downing
Matthew Galemmo
Edith Lerner, Ph.D.
Diana Steffen, Secretary

Fred Cuffari was absent with apologies.

Also in attendance: Ric Machnics, Zoning Inspector, and Jim Dickinson, Chairman of the Board of Trustees.

The Chairman called the meeting to order at 7:00 p.m.

CONDITIONAL USE #422 RIVENDELL SUBDIVISION Report and Review – Open Space Restoration

The Chairman swore in Ric Machnics and Roy Podojil, Chairman of the Russell Township Park Commission. The Board has received reports from Matt McGill dated 6/10/08 and 6/26/08, and from the Chagrin River Watershed Partners dated 6/26/08. Mr. Machnics stated that on 6/23/08 he met Rachel Webb of the Chagrin River Watershed Partners at the site in Rivendell Subdivision. At that time the retention basin in the open space area had been filled in and the new basin cut in on S/L 11. The ground was still bare but at least 40 trees had been planted with five or six of those in distress. Existing silt fence along the old basin was in bad shape and needed to be re-established. There was no silt fence around the new basin area. On 6/26/08 Mr. Machnics said he received a call from Matt McGill who was at the site and reported that the entire area was being seeded. Mr. McGill was with his landscaper and they were aware of the distressed trees, which were the sycamores. The landscaper said the loss of leaves was due to a fungus and the trees should survive, but if they do not then they will be replaced.

Mr. Machnics said he revisited the site and saw that the site had been seeded and straw put down. There was still no silt fence around the new pond area, and he recommended requiring it be installed and maintained until the vegetation grows. As also recommended in the C.R.W.P. letter of 6/26/08 Mr. Machnics said the trees that are in distress should be inspected in the fall and if they need replacing it should be done at that time. The fall evaluation should be conducted in late August to early September with replanting in September to mid-October.

Roy Podojil, Chairman of the Park Commission, stated his concerns were similar to those of Mr. Machnics. The silt fence below the original pond is in very poor shape, and the discharge structure along the hillside has been removed so that there is just earth there and no seeding. The existing silt fence at the bottom of the hillside is filled with silt and

needs to be picked up. He recommended a second fence be installed in front of the existing one to stop erosion down the hill on the west and south side facing towards Griswold Creek. He said there also needs to be silt fence on the south side of the new pond on S/L 11 to protect the creek.

With regard to the trees that have been planted, Mr. Podojil said he counted six that are dead and another 10 that he considers are stressed, both sycamores and maples. He also said he understood the area was seeded but could not determine the type of seed because straw had been blown in on top and he was unable to see the seed. He recommended waiting until the fall to replace trees. He believed at least half may not survive with about 16 being in poor condition due to being planted too late in the Spring.

There was no representative from McGill Property Group in attendance, and Mr. Machnics explained that Matt McGill had advised him that he was unable to attend, but felt they have achieved the goals of the Board and will address any issues.

The Board agreed to send a summary of recommendations to McGill Property Group, which would include a deadline of August 1st, 2008, for the silt fence repair and installation. Mrs. Steffen was asked to call the Recorder's Office to advise that the Board still had issues with the Rivendell development.

STATUS REVIEW OF OUTSTANDING ZONING CASES – The Board discussed with Mr. Machnics and Mr. Dickinson the status of the Trivelli and Sloe cases. Mr. Machnics stated that he has now received a site plan from Ms. Trivelli showing the new location of the accessory building, which he accepted; he subsequently issued a zoning permit. He had followed procedure with this case. Mr. Dickinson discussed procedure, whether Trustees should hire an outside attorney to handle some zoning cases, and the use of the daily fine. He said that Mr. Sloe has appealed the contempt finding at the Court of Common Pleas to the Ohio Supreme Court, and there is nothing the Township can do to move the case forward more swiftly.

Mr. Dickinson suggested a zoning workshop be held in the fall with the Trustees, zoning boards, Zoning Inspector and legal counsel from the Prosecutor's Office. He would like to discuss having funding to use outside counsel, and also a review of procedures. Mr. Gokorsch said he would like to focus on a written policy to be used after the B.Z.A. makes a ruling, including the correct follow-up, and the form and logging of all communications. He agreed that a zoning workshop should be scheduled with all the boards and the Prosecutor's Office. He wished to consider setting B.Z.A. guidelines if outside counsel is used. He asked the Secretary to ask other communities if they have written procedures on the enforcement function of the B.Z.A. and Zoning Inspector.

MINUTES OF JUNE 2, 2008 – Dr. Lerner made the motion to approve the minutes of June 2nd as mailed out, Mr. Downing seconded and the motion passed unanimously.

FINDINGS OF FACT - #439 POLANDO – Mr. Galemmo made the motion to approve the Findings of Fact for Appeal #439 as written, Dr. Lerner seconded and upon roll call

