

Board of Zoning Appeals Public Hearing October 1, 2018

Chairman Stanard called the Board of Zoning Appeals Public Hearing to order at 6:09 pm.

ROLL CALL:

PRESENT: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard

ABSENT: Mr. Bolek, Mayor Renda

Other present: Jeff Filarski, Village Engineer; Paul Kowalczyk, Building Commissioner; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mrs. Cooper to approve the minutes from the August 27, 2018 Board of Zoning Appeals Meeting.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Stanard

NAYES: NONE

ABSTENTIONS: Mr. Janke

MOTION CARRIED

Brody Residence - Side-yard setback variance

33345 Jackson Road

Mr. Stanard opened the Public Hearing at 6:11 pm, and Mrs. Lane administered the oath to those wishing to speak.

The applicants are seeking a variance from Code Section 1151.07(2)(c), under which the side yard setback required by the new sidewall length of the house would be 94 feet. The applicants are seeking a variance of 54 feet to build two additions that would sit 40-feet from the side yard property line. Fred Margulies with Onyx Creative was in attendance with the homeowners.

Mr. Margulies said he reviewed the Code when the owners engaged Onyx Creative about their project. He saw that the standard setback is 35-feet and, knowing the existing house sits only 40 feet from the side lot, he wanted to create visual interest by breaking the plane and offsetting the additions. As he

read the Code, which states that an offset greater than four feet will constitute a new plane for determining the side set back, and knowing the offsets for the proposed design are five feet, he felt they were in compliance when they created the design. He said a 94-foot setback on lot 175 feet wide is excessive and added that the side walls they are adding are far under 50 feet in length.

Mr. Margulies added that the neighbor's house to the east has a similar design with five garage bays and extends further back on the lot than what they are proposing.

As there was no one else in attendance who wished to comment, Mr. Stanard closed the Public Hearing at 6:16 pm.

Mr. Stanard explained that this particular rule was put in place to improve the aesthetic appeal of a house with a long side wall. The idea is that the house should move further away from the property line as it gets longer. However, the metrics to determine the required setback can be convoluted when the house does not sit square on the lot or is an odd shape. The Code states that "the house length or sidewall dimension shall be determined by measuring the individual sidewall plane facing the side lot line." He thought that the four-foot offset in any direction would eliminate that portion of the wall as being measured in the entire length of the wall, but he is not certain that this understanding is correct, as the Code goes on to say, "An offset of greater than four (4) feet within that plane will constitute a new sidewall plan for determining house length." Upon re-reading the Code Section, he does not believe the length of the new plane will not be included when determining the overall length of the house but rather that the longest portion of the side wall will require a greater setback.

Mrs. Cooper said her understanding was the same as Mr. Stanard's, and she is looking for further clarification.

Mr. Stanard noted that the existing house is already non-compliant, but that does not mean new construction is impossible.

Mr. Stanard asked Mr. Kowalczyk to explain his interpretation of the Code. Mr. Kowalczyk confirmed that, because of the adoption of this Code Section, the existing side wall of house is non-conforming. When the house was built, it met the required setbacks. However, when planning alterations, the current Code needs to be applied.

Mr. Kowalczyk confirmed that the intent of footnote "c" is to break down the visual impact of a side wall so it does not become an imposing mass to the adjacent neighbor. Of the three cases recently reviewed, this is the first where the additions are going closer to the side property line rather than stepping back.

Mr. Kowalczyk also confirmed that the overall length of the house needs to be taken in to account when determining if footnote "c" applies, even when an addition is offset by four feet or more.

Mr. Margulies said he understands what is being said but feels the Code could be interpreted in different ways. He does not feel that the house will be imposing, as it is a low, one-story home.

Mr. Stanard confirmed that the new overall length of the side wall would be 109 feet, which would require 59 feet of additional setback. Mr. Stanard also confirmed that the new construction, taken alone, would meet the 35-foot setback requirement.

Mr. Stanard asked if there was any possibility that either of the additions could be moved to the east. Mr. Margulies replied that moving the rear addition would ruin the placement of existing windows. Building the garage in the proposed location will create a better landscape buffer and allow for removing some pavement; that will not be possible if they move the garage to the east.

Photos were displayed showing the view between the Brody's home and the house to the west. Mrs. Brody said they visited with the neighbors over the weekend to review the plans and said they had no problem with the proposal once they understood the plans. Mrs. Brody added that there is foliage separating the two homes, and it extends into the rear of the property.

Mrs. Cooper verified that the front setback is not at issue.

Mr. Buczek said he was inclined to recommend approval, as the wall plane has been broken up, there is significant landscape screening, and no neighbors have presented an objection.

Mrs. Lane asked when Mr. and Mrs. Brody purchased the home; Mrs. Brody said they closed on June 29, 2018. Mrs. Cooper clarified that the variance amount needed is 54 feet. Mr. Kowalczyk explained that the variance would have been 59 feet, but as the additions will be 40 feet from the property line, it is an additional 54 feet that is needed. Mrs. Lane said that, because the owners are dealing with an existing non-conforming structure, the percent variance is not as substantial as it appears at first glance.

Mrs. Lane reviewed the Conclusions of Fact: Mr. and Mrs. Brody at 33345 Jackson Road have submitted an application seeking a variance of 54 feet from Schedule 1151.07(2)(c) to construct two additions. In determining practical difficulty, the Board considers eleven factors that are set forth in the Zoning Code. The applicant has answered questions in support of granting the variance, which Mrs. Lane recommended incorporating by reference (see Appendix A), with the following modifications:

Question 3: Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures? The applicant said the calculated setback is impossible to achieve. Mrs. Lane would add that the variance is substantial but that is because they are adding to an existing structure that is already non-compliant with the existing Code.

Question 6: Did the property owner purchase the property with knowledge of the zoning restrictions? The applicants answered no, but because of constructive knowledge, the answer would be yes. However, Mrs. Lane acknowledged that the application of footnote "c" does require a case-specific interpretation by the Village to determine if a variance is needed.

Question 11: Would a literal interpretation of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of this Code? Mrs. Lane would slightly change the response to read that the literal interpretation of this ordinance would not permit any addition because the existing house does not currently comply with the Code.

Mrs. Cooper made a motion seconded by Mr. Buczek to accept the Conclusions of Fact.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard

NAYES: NONE

MOTION CARRIED

Mr. Buczek made a motion seconded by Mrs. Cooper to approve a fifty-four foot (54') side-yard variance to enable construction of two additions at 33345 Jackson Road.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard
NAYES: NONE
MOTION CARRIED

As there were no other items for discussion, Mr. Buczek made a motion seconded by Mrs. Cooper to adjourn the Board of Zoning Appeals Meeting at 6:41 pm.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard
NAYES:
MOTION CARRIED

Respectfully submitted,

Theresa Dean, Assistant Clerk

Board of Zoning Appeals
Area Variance Application Supplemental Information

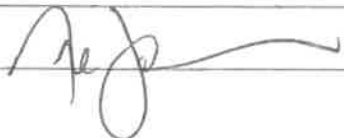
Application for property located at: 33345 Jackson Rd

Variances from the terms of the Code shall not be granted by the Board of Zoning Appeals unless the "evidence demonstrates that the literal enforcement of this Planning and Zoning Code will result in practical difficulty."

In determining "practical difficulty", the Board of Zoning Appeals will consider the following factors:

1. Do special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district? the two additions to the existing residence cannot be placed elsewhere on the site and the code as described simply does not allow for the additions to occur
2. Will the property in question yield a reasonable return or can there be any beneficial use of the property without the variance? 94' setback is unreasonable. The owners just moved in and seeing the house next door, they did not see an issue with their proposed additions
3. Is the variance substantial and is it the minimum necessary to make possible the reasonable use of the land or structures? the variance calculated setback is impossible to achieve.
4. Would the essential character of the neighborhood be substantially altered or would adjoining properties suffer substantial detriment as a result of the variance? No. The house to the east has a greater front to back dimension
5. Would the variance adversely affect the delivery of governmental services, such as water, sewer, or trash pickup? No
6. Did the property owner purchase the property with knowledge of the zoning restrictions? No. It is more of an interpretation
7. Do special conditions or circumstances exist as a result of the actions of the owner? No
8. Can the property owner's predicament feasibly be obviated through some method other than a variance? No
9. Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting a variance? Yes. Our additions that break up the existing facade meet the rear setback req'ts. the existing house currently does not meet the wording of the ordinance.
10. Will the granting of the variance requested confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district? No
11. Would a literal interpretation of the provision of this Code deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code? the literal interpretation of this ordinance is convoluted. the wording and the sketch do not reference each other.

Signature



Date

9/20/2018

Planning Commission Meeting October 1, 2018

Chairman Stanard called the Planning Commission Meeting to order at 6:41 pm.

ROLL CALL:

PRESENT: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard

ABSENT: Mr. Bolek, Mayor Renda

Other present: Jeff Filarski, Village Engineer; Paul Kowalczyk, Building Commissioner; Aimee Lane, Law Director; Theresa Dean, Assistant Clerk

Mr. Buczek made a motion seconded by Mrs. Cooper to approve the minutes from the August 27, 2018 Planning Commission Meeting.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Stanard

NAYES: NONE

ABSTENTIONS: Mr. Janke

MOTION CARRIED

Brody Residence - Additions/Alterations

33345 Jackson Road

Fred Margulies, Onyx Creative, and homeowners Mr. and Mrs. Brody were in attendance. A side-yard variance to enable construction of the additions was granted at this evening's earlier Board of Zoning Appeals Meeting.

Mr. Margulies said the owners wish to separate spaces for personal use from the guest entrance. The additions include a garage addition in the front and an extension in the rear for a dog care room. They also plan to add a rear deck off the master bedroom. Materials used will be identical to those on the existing home. Elevations and floor plans were displayed.

Neither Mr. Kowalczyk nor Mr. Filarski had concerns about the project. Mr. Kowalczyk reported that the plans were approved as submitted by the Village Architect. Mr. Stanard asked about the foundations under the additions. Mr. Margulies said there would be a crawl space under the rear addition and a slab

under the garage addition. Mr. Stanard said it appears as if they trying to avoid removing existing trees and will be taking out some of the existing asphalt at the front of the property.

Mr. Buczek made a motion seconded by Mr. Janke to approve the additions and alterations at 33345 Jackson Road.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard
NAYES: None
MOTION CARRIED

Smith Residence - Accessory Building
60 South Lane

Margaret Dolan was in attendance to present the project. Ms. Dolan said they would like to build a detached garage-style shed in the rear yard to store deck furniture. Photos of the site were shown, and Ms. Dolan pointed out where the structure would sit. She said she owns the lot next door but that the property in question is her daughter's house.

Elevations of the proposed structure were shown. The building will feature carriage doors and will not have electricity or plumbing. Due to the large number of trees and dampness in that portion of the lot, they plan to use vinyl siding for moisture control.

Mr. Kowalczyk said he had no concerns about the project. He reported that Village Architect Richard Kawalek approved the plans with the recommendation that the color match the existing house. Mr. Kawalek noted that the structure will not match the style of the house but is located roughly 50 feet from the dwelling and, as long as the colors match, he could approve the design. Ms. Dolan said they can use Dryvit to match the house if that is what the Planning Commission requires, though she would be concerned about mildew. Mr. Stanard confirmed this was not a requirement of approval by Mr. Kawalek. Mr. Kowalczyk told Ms. Dolan that, should they decide to change from siding to Dryvit, he could approve that change administratively without need for additional Planning Commission approval.

Mrs. Cooper asked if there would be a driveway to the new building. Ms. Dolan said there would be no drive and added that the structure would be no closer than the required ten feet to the property line. She said the dimensions of the building will be 26 by 26 feet; there is also a 270-square-foot gazebo near the pool. Mr. Kowalczyk added that he had confirmed these dimensions to ensure compliance with the Code.

Mr. Filarski had no concerns about the project.

Mrs. Cooper made a motion seconded by Mr. Buczek to approve the accessory building at 60 South Lane.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard
NAYES:
MOTION CARRIED

Mr. Buczek added that Ms. Dolan's reasons for not wanting to use Dryvit are valid - in an area with not much sunlight, mold and mildew will be a problem.

Gorman Residence - Roof and Window Alterations
3850 Falls Road

George Clemens, Clemens Pantuso Architects, was in attendance. His clients are proposing a renovation to the master wing of their house, which sits alone on the river side of Falls Road. The renovation will involve some minimal changes to the front elevation by moving several windows and changing some windows over the garage. The most impact will be on the rear elevation with the addition of a taller glass element and the addition of a gable in the plane of the wall to improve views to the river and trees.

Neither Mr. Kowalczyk nor Mr. Filarski had concerns about the project. The Village Architect approved the plans as submitted.

Mr. Buczek made a motion seconded by Mr. Janke to approve the alterations at 3850 Falls Road.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard
NAYES: None
MOTION CARRIED

Leistiko Residence - New Dwelling
S/L 6B Addison Lane (30 Addison Lane)

Architect Henry Piper was in attendance with Larry Bloch and Michael Bloch, Larry Bloch Builders. Mr. Piper said the proposed new dwelling will be a single-family, two-story farm house. It will feature board and batten siding, as the homeowner wanted something with a rustic design. The house will be approximately 3,400 square feet in size with a small second floor and large first floor. There will be a pool behind the home, and the garage will be side-loading. The garage is angled slightly so the side doors are parallel to the property line, as the lot is wedge-shaped. There is a steep ravine in the rear yard with a view overlooking the valley.

Mr. Filarski said he had several comments on the site plan, which have been sent to the project engineer. He recommend approval contingent upon final engineering approval.

Mrs. Lane asked if the lot split that created this parcel has been recorded. The Assistant Clerk said the signed plat was picked up by Mr. Friedman to take to the County for recording but has not been returned to the Building Department. Mr. Kowalczyk said issuance of permits will be conditional upon confirmation that the lot has been recorded with the County.

Mr. Kowalczyk had no other comments and reported that the plans were approved as submitted by the Village. However, he added that there will be a release form that needs to be signed for all new homes on Addison Lane stating that no occupancy will be permitted until the sanitary sewer installation and hookups are completed.

Mr. Janke asked how many trees would be coming down at the rear of the lot. Larry Bloch said it is very wooded, and they plan to keep as many trees as they can. Mr. Janke said he would like to see as many trees retained as possible.

Mr. Buczek made a motion seconded by Mrs. Cooper to approve the new dwelling at S/L 6B Addison Lane, contingent upon final engineering approval.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard

NAYES: NONE

MOTION CARRIED

Ungar Residence - Driveway, Discussion

265 Sterncrest Drive

Scott Schleider, Schleider Custom Homes LLC, and owners Daniel and Marci Ungar were in attendance.

Mr. Schleider said they are in the final stages of completing the new dwelling project. The existing asphalt drive that comes off Jackson Road was discussed during an original meeting with the Planning Commission in May 2016, at which time an address change from 32000 Jackson Road to 265 Sterncrest was requested for a new dwelling. The original plan was that the driveway would be removed; however, at this time, and with the good condition that the drive is in, the Ungars would like to leave that drive intact.

There are several factors behind this request. There was an expectation that the driveway would have deteriorated after construction, but that has not happened. Also, the power lines that service both the Ungar's home and a neighboring house run along that driveway. When electric upgrades were done during construction and a new transformer installed, the crew from the Illuminating Company staged their trucks on the driveway. Mr. Schleider said he asked the crew how those lines would be serviced if the drive was gone and was told it would be difficult and could delay the restoration of power if the lines were to come down in a storm. Mr. Schleider pointed out on the site map where the utility lines are located and the large trees through which the lines run. He said he sent letters to the three supervisors he had dealt with at the Illuminating Company and asked them to weigh in regarding the driveway. He was told they would need to trailer in off-road equipment in the event of an outage and that outage times could be greatly increased. They would also not continue maintaining the trees if they could not reach them with their standard bucket trucks.

Mr. Schleider added that this was not a construction drive that was installed for purposes of building the new house; it was existing and has held up well. He also noted that there are numerous properties in the Village that have access to two different streets, so this request is not unprecedented.

Mr. Stanard asked Mr. Filarski for his thoughts. Mr. Filarski confirmed there are multiple lots with two-sided access, and the Code contains no provisions against it. Though removing the drive would remove some impervious surface, there is a large pond on the property, and concerns about ease of access for the electric service are valid.

Mr. Stanard recognized Mr. Roger Mallik, the neighbor on the corner lot at 32150 Jackson. Mr. Mallik did not feel that concerns about getting to the transformer were valid, as people have tree services for maintenance, and this is just an excuse to retain the driveway. He also stated that the builders had complete control as to where to locate the new transformer, and it could have been located closer to the house if access was a concern. At the May 2016 meeting, he recommended that the Ungars use this existing drive rather than install a new drive to Sterncrest. However, they were granted approval for the new drive and address change contingent upon removing the old drive and based on arguments that accessing Jackson Road was not as safe as entering from Sterncrest. If this request to retain the old driveway is approved, he will now have pavement on all four sides of his lot, which he feels would be a negative point if he tried to sell his property.

Mr. Stanard reviewed the notes from the May 2016 meeting at which the address change and driveway relocation was approved and the October 2016 meeting to approve the new dwelling. Mrs. Lane said it was made clear at the October 2016 meeting that any changes to the approved site plan to retain this driveway would require separate review and action by the Planning Commission and confirmed that what is being requested is a change to the site plan.

Mr. Stanard said he clearly remembers Mr. Mallik's earlier objections to having driveways on both sides of his lot. Mr. Stanard recalled that Mr. Mallik ultimately felt comfortable with the project because the drive to Jackson Road was to be removed.

With respect to Mr. Mallik's comments, Mr. Ungar said the drive accessing Jackson Road has been there since 1959 and that some things have changed since the original proposal, not the least of which are the concerns about access for the electric company. He said there was no hidden agenda in locating the power pole. Mr. Ungar also said he was never in favor of removing the original driveway but acquiesced to the builder because of the assumption that the drive would get torn up during construction, which it did not.

Mr. Schleider said they did not have complete control over where the new utility pole was installed. There was an old pole on the property that was in bad shape and needed to be replaced, and the existing transformer was too small to handle the new 400 amp load. It was the Illuminating Company's line supervisor who recommended the location of the new pole and transformer.

Mr. Schleider also added that there has been no animosity between the Ungars and Mr. Mallik, and Mr. Ungar has offered to install plantings to help conceal the existing driveway. However, Mr. Schleider said there is another neighbor involved, as both Mr. Kowalczyk and Mr. Filarski are aware. The day the power got shifted to the new transformer, the power outage lasted approximately 20 - 25 minutes, and this other neighbor "exploded." He said he can only imagine the impact an extended power outage would cause if the lines could not be accessed easily. He added that nothing they have done has been able to satisfy the other neighbor.

Mr. Stanard said it was clear in the minutes from the previous meetings that the drive was to be removed, and it seems disingenuous to say they did not understand this requirement. Mr. Ungar said this was not the case, and they were not being disingenuous. He was not at the original meeting where the address and new driveway were approved but was instead represented by his builder. He said it is their intention to build a warm, inviting home and property and are not partiers. He said he and his wife have had a good relationship with Mr. and Mrs. Mallik until now. Mr. Mallik has been looking at the

drive from Jackson for years, and the view to the south is still of the same trees that have always been there, as Mr. Schleider did everything in his power to preserve them. He reiterated that he is not being disingenuous and wants to be a good neighbor but feels they have every right to keep the original drive.

Mr. Stanard said that a number of the members of the Planning Commission voted to approve the project because the original driveway was being removed. If it is now not going to be removed, it is only fair that the same body would review and comment on the request and approve or not approve the request. Mr. Ungar said he does not feel that the approval of the entire project was contingent upon removal of the driveway. Mr. Stanard said the original request to approve the address change was contingent upon removal of the driveway and, during the discussion to approve the house at the later meeting, it was again stated that the driveway would be removed. Mr. Stanard said Mr. Mallik had a legitimate concern about having driveways on both sides of his lot, and that concern went away when the Planning Commission requested removal of the Jackson Road driveway.

Mr. Stanard deferred to Mrs. Lane about how to move forward. She replied that she sees this request as a site plan issue. The site plan was approved with the note that the original drive will be removed. If a new site plan is proposed, that plan needs to be submitted to the Planning Commission for review.

Mr. Ungar told Mr. Mallik how he respected his property and promised they would be good neighbors. He said some circumstances have changed that have led to this request, some of which are personal but not the least of which is that the driveway did not get destroyed during construction.

Mrs. Cooper asked where the old driveway now ends and was told it attaches to the new drive. She also asked how many houses are supplied by the new transformer. Mr. Schleider answered two, the Ungar's home and the home to the west. Mrs. Cooper pointed out that she thinks there is a difference between this and other houses that have two drives. Typically, those homes are on corner lots, whereas these drives encircle Mr. Mallik's property. She also said it seems possible for the power company to get to that transformer even if the driveway is removed.

Mr. Ungar said if they tear out the drive, it would just be a long "landing strip." Visually, it would be replacing asphalt with grass. He said there is nothing in the Code to say they must remove the driveway, nor is there anything to require they plant anything in that space.

Mr. Schleider added that, bottom line, it will require a lot of time, machinery, and noise to pull out a perfectly fine, well-conditioned driveway, and that they will also need to seed and put down straw next to a neighbor that has been displeased with everything done already.

Mr. Janke said he could see keeping both drives if this is was a corner lot, but he understands Mr. Mallik's point that the two drives are blocking him in. He added that power lines through the woods in Moreland Hills are common and that, even without the driveway, this is not a terrible access point. He feels that, if the Planning Commission approved the plans based on removing one of the driveways, that decision should be upheld.

Mr. Stanard read the following from the minutes of the October 24, 2016 Planning Commission meeting, at which plans for the new home were approved:

"Mr. Stanard and Mrs. Lane informed the applicants that the current plan is in keeping with the conclusions of the prior approval. If the Ungars decide to keep the original driveway, they will need to submit new plans.

Mr. Ungar asked if it might be possible to amend the plans, but Mr. Bolek cautioned that the Planning Commission needed to be careful as to how changes would be accepted. If the Ungars wish to keep the second driveway, they will need to come back before the Planning Commission with a separate application.

...Mr. Filarski also added that the driveway will likely be destroyed after construction and that his required inspection before issuance of the Final Certificate of Occupancy would mandate removal of the drive and proper grading and seeding."

Mr. Stanard said it is clear from the minutes that approval of the new dwelling was contingent upon removal of the old driveway and that new plans and an application would be required if the Ungars wished to change the site plan in order to keep the original driveway. At the very least, a formal application and new set of plans needs to be submitted for review. At that point, if Mr. Mallik is in attendance, the Planning Commission will entertain his comments.

Mr. Ungar said this process has been enormously upsetting to their family. He feels there have been missteps and miscommunications, none of which were intentional or with an aim to hurt their neighbor. He emphasized that the only change to the site besides replacing a dilapidated house and barn with a new home is a strip of concrete for the new drive. He admitted that he and Mr. Schleider did not communicate the way they could have, as Mr. Schleider appeared alone in front of the Planning Commission at the original meeting, but that does not change their wishes, which were and are to keep the original driveway. Mr. Ungar said this should be a non-issue for both them and their neighbor.

Mr. Stanard said it is the Planning Commission's intent to preserve and protect the approval process. He reiterated that it is clear from the notes that it was the agreement to remove the old driveway which led to approval for both the address change and new dwelling, so it is only fair to adhere to the notes and protocol.

Mr. Stanard and the Assistant Clerk reviewed with Mr. Ungar the requirements for his application and confirmed the next meeting date. Mr. Ungar asked what could possibly derail or impede this simple objective and if he should engage the services of an attorney. The Assistant Clerk recommended including site photos from multiple angles with their application, and Mr. Stanard said the best solution would be to reach an agreement with Mr. Mallik prior to the next meeting.

Mrs. Lane noted that, as this agenda item was indicated for discussion only, no vote is necessary. The Ungar's application materials can be treated as a new item at the next meeting. She also informed Mr. Ungar that it was to his benefit that there was a caveat in the original meeting minutes about the ability to come back with a new application if a change to the site plan was desired. Typically, such a change is not allowable after a 30-day appeal period on the Planning Commission decision.

As there was no further business for discussion, Mr. Buczek made a motion seconded by Mr. Janke to adjourn the Planning Commission Meeting at 8:00 pm.

AYES: Mr. Buczek, Mrs. Cooper, Mr. Janke, Mr. Stanard
NAYES: None
MOTION CARRIED

Respectfully submitted,

Theresa Dean, Assistant Clerk