

MINUTES | Monday, November 11th, 2024 | 7:00 PM
Planning Commission Meeting



1. Call to Order | President Schall called the meeting to order at 7:00PM.
2. Roll Call

Planning Commission: President Mark Schall, Constable Kristin Wright, Trustee Rick Cermak, Trustee Paul Schroeder, Resident PC Member Tom La Fave, Resident PC Member Kari McGaughey, Resident PC Member Mark Hyde, Resident PC Member Bill Cosban,

Other elected officials: Treasurer Robert E. O'Brien, Clerk Dori A. Panthofer

Public: Dr. Kelly & Mrs. Elderize Von Schilling Worth (Owner/resident 400 Cross Creek); Rich Hernandez, Axis Construction

The meeting is being recorded for the purpose of preparing minutes.

3. Review Application # PCRA2024-1
 - a. Applicant: Dr. Kelly and Elderize Von Schilling Worth
 - b. Property Address: 400 Cross Creek Rd
4. Applicant Statement | Dr. Kelly Von Schilling Worth. We moved into the house in 2015. The landscaping is pretty much done. The 70-year old house ranch style home needs work. The goal is to create a Tuscany feel. Mrs. Von Schilling Worth Elderize spoke that the project is good for the community and the village. It brings a lot of taxes to the village and raises property values. We'd like to make it (the house) a little bit bigger because we have 5 big people and we need more parking. We'd like to create a family estate. Insurance is pushing us. We've taken some things down but haven't rebuilt and insurance and safety is an issue.
5. Architect Statement (if present) – Not present.

Dr. Von Schilling Worth confirmed the original construction firm (Scherrer Construction Co) and architect (Jennifer Blair) were replaced. The current builder is AXIS / El Cano Construction. Rudie|Frank Architecture is now the architect.
6. Public Comment | NONE
7. Discussion | President Schall stated the blueprints were reviewed by Rocco Castellano, an architect who is also a member of the Board of Appeals who noted that parts of the project do not comply with current ordinances. When plans are not compliant, the next step is to request a variance from the Board of Appeals.

Dr. Von Schilling Worth disagreed that the plans are not compliant. (Height and set-backs). He asked if a decision could be made tonight.

Mr. Hyde noted a right-of-way that's 15 feet north of the property line. Mr. Hyde presented an example of the right-of-way of the deed for his property located at 545 Cross Creek. Right now, there is a violation (at 400 Cross Creek) because the

concrete pillars and the trees are already encroaching. You can't build on a right-of-way.

Dr. Von Schilling Worth stated the center of Cross Creek is the property line. This is private property.

There was disagreement over where the actual property lines are located (in the center of the road or north of the road) and the right of way.

Mr. Hernandez asked if it was a right of way? You can't build on it?

Mrs. Von Schilling Worth said the surveyor came out and did this per the original property plans.

Mr. Hyde presented photos (private road at 400 Cross Creek where trees and cement posts are located) after the snowmelt that shows ruts from vehicles driving off the road because of the location of the trees and posts.

Mrs. Von Schilling Worth stated that people were driving on their property. The Village could not install something to prevent this (because it's a private drive).

Multiple people began speaking at the same time. Clerk Panthofer asked that only one person speak at a time.

President Schall asked if the Planning Commission met in 2017 to review the cement posts and setbacks.

Dr. Von Schilling Worth said no, why would there be? We're not here to discuss that, we're here to discuss the project.

Mr. Hyde said it (set backs, right-of-way) should be part of the survey.

Dr. Von Schilling Worth said let's get off that subject and go back to the house. He stated the height under the restrictions of the ordinance.

Mr. Hernandez confirmed the overall building height.

President Schall had a question regarding the eave. Trustee Schroeder clarified where the eave begins.

Mrs. Von Schilling Worth said the plans are within the limits.

Mr. Cosban asked why did you start?

Dr. Von Schilling Worth said that they didn't start this project. The insurance company noticed they had removed (exterior) steps (in the back of the house) a while back and sent a notice of non-renewal.

Mrs. Von Schilling Worth said we don't want to lose our (homeowners) insurance.

Dr. Von Schilling Worth said they've only done the garden and landscaping.

Mr. Cosban said we need to check with Mr. Castellano.

President Schall referenced

Mr. Cosban questioned the setbacks.

Both Dr. & Mrs. Elederize said that Scherrer Construction Co (the original firm) said the plans comply.

Mr. Cosban said the road (Cross Creek) can't handle the heavy equipment.

Mrs. Von Schilling Worth said they instruct the contractors that work cannot begin before 8AM, the road (Cross Creek) cannot be blocked, vehicles must be parked on North Main Street, and they must be mindful that the road is one-way.

Mr. Cosband said the terms and conditions should be written into an approval.

Trustee Schroeder stated that the Village requires firms to post a bond to protect public roads but North Bay doesn't have jurisdiction over Cross Creek.

President Schall said he will send an email that includes terms and conditions.

Mr. La Fave read an excerpt of Village Code related to building height.

Trustee Schroeder stated there is a difference between overall height and the height of the eave.

Mr. Hernandez referred to the blueprints for eave height.

President Schall said the charge of this group (the Planning Commission) is not to provide a variance to an ordinance. The charge of this group is "should we move forward." This project brings benefit to the Village, part of the project is about safety, part of the investment long term is to sustain the Village.

8. Decision (Recommendation to the Board of Trustees) | Board of Appeals

President Schall: I'm ready to approve it by way of the Planning Commission and move it forward to the Board of Appeals to address the variance(s). Unless there is any more discussion or questions, are we ready for a vote?

ROLL CALL VOTE:	Mark Schall	YES
	Tom La Fave	YES
	Paul Schroeder	YES
	Bill Cosban	YES
	Mark Hyde	YES, except for the detached garage
	Kari McGaughey	YES
	Rick Cermak	YES
	Kristin Wright	YES

Next steps: President Schall will send an email summarizing what we discussed today. We proceed to schedule a Board of Appeals Public Hearing.

Clerk Panthofer noted that Board of Appeals Public Hearing requirements must be followed. The minimum lead time is 2 weeks after a BOA application and the application and all supporting documents are submitted to the Village.

Dr. Von Schilling Worth asked if they could be allowed to start with the work in the

back that the insurance company has a problem with?

Trustee Schroeder said as long as the work doesn't involve the roofline, yes.

Dr. Von Worth said basically the deck and (attached) shed , because they need to pour the concrete for both of those.

President Schall said yes, they can proceed.

Clerk Panthofer asked if the scope of the second application is limited to the immediate repairs (for the insurance).

Mr. Hernandez said yes.

President Schall suggested tentatively scheduling the Board of Appeals for Monday, November 25th, 2024.

9. Adjourn | Motion to adjourn made by Constable Wright and seconded by Trustee Cermak. All in favor, no one opposed. Meeting adjourned at 7:42PM.