

VILLAGE OF CUYAHOGA HEIGHTS  
PLANNING COMMISSION & ZONING BOARD OF APPEALS  
April 18, 2007

Mayor Contipelli called the meeting to order at 6:00 p.m. Clerk Lepkowski called the roll. Those present were Ralph Faragone, Russell Hartman, Michael Mallos, Oliver Vaccher and Mayor Ralph Contipelli. Also present was Village Engineer Paul Dey, Building Commissioner Norm Casini and Attorney Dennis Nevar.

**MINUTES**

Mr. Faragone moved, seconded by Mr. Hartman to accept the minutes of February 21, 2007 and March 21, 2007 as prepared and place them on file. All voting aye, none opposed; motion carried.

**COMMUNICATIONS:**

From Norm Casini:

A letter to Mayor Contipelli regarding an occupancy permit for Cleveland Welding Supply on Grant Avenue in the Village of Cuyahoga Heights.

From Norm Casini:

A letter to Mayor Contipelli regarding a non-residential building permit for two (2) propane tank installations at Electric Welder Repair Inc., 4664 East 71<sup>st</sup> Street in the Village of Cuyahoga Heights.

From Paul Dey:

A letter to Mayor, Planning and Zoning Board Members and other Village officials regarding a proposed alteration of Topography in accordance with Chapter 1485 by Great Lakes Construction Co. at 4300 East 49<sup>th</sup> Street (Charter Steel) in the Village of Cuyahoga Heights.

Mr. Faragone moved, seconded by Mr. Mallos that the communications be accepted and placed on file.

**DISCUSSION:**

Mayor opened the floor to discuss a variance from Electric Welder Repair, Inc. Mr. George Kacencjar, principal owner, Mr. Terry Owen, President and representatives Mr. Mike Ripple and Mr. Jim Mikus from Advanced Gas & Welding Solutions were present to discuss their variance request.

Mr. Mallos asked about the use of the propane gas in regards to their business. Mr. Owen stated it was to resell propane gas in 20 pound cylinder tanks that are used for gas grills and cylinders used on tow motors, and temporary heating of buildings. Mr. Owen stated that this is not their primary business that they were looking into other avenues for expansion. The representatives from Advanced Gas & Welding Solution were asked by the company to assist in the filling and building of facilities for the propane distribution.

Mr. Mallos asked what safety precautions are taken. Mr. Ripple stated that all propane installations are done in accordance with State Fire Code and inspected by Fire Inspectors. The proposed building would be located on the south side of the business away from public areas.

Mayor Contipelli stated that he felt this type of resale operation so close to residential homes and right next to Klima Gardens, which is heavily used during the year, is unsafe because of the location; anyone could throw a cigarette over the fence. The representatives from Advanced Gas tried to reassure the Board that all precautions would be taken to keep the distribution safe. They know that anything can happen and are very sensitive to the concerns the Board has.

Mr. Faragone asked Mr. Casini what his recommendation on this variance. Mr. Casini stated that he presented the variance to the Board for review. Attorney Nevar reviewed the Code in regards to the distribution and the requirement to have the tanks contained in a building.

Mr. Vaccher moved; seconded by Mr. Hartman to disapprove a variance to install two (2) 1850-gallon propane tanks on the property located at Electric Welder Repair, Inc., 4664 East 71<sup>st</sup> Street in the Village of Cuyahoga Heights. This variance is needed in the Office Building, Research Laboratory and Light Manufacturing District. All voting aye, none opposed; motion to deny variance carried.

The owners of Electric Welder Repair were advised that even though the variance was denied at this meeting, the variance would go before Council at the May meeting for final determination.

Mr. Casini reviewed the situation involving the variance to distribute propane by Cleveland Welding, Inc. Mr. Casini stated that there was confusion between the occupancy permit and the propane tank variance. Mr. Casini stated that the code stated that the distribution of propane in a heavy industrial industry is permissible if it is incidental to the primary business use. Which, in this case, is applicable. Mr. Nevar reviewed the Code and stated that the issue before the Board is whether the sale of propane gas is incidental to the primary business use.

The Board has requested that the business owners appear before the Board to answer questions. Mr. Casini was instructed to have them at the next Board meeting. Mayor Contipelli asked Mr. Casini if the occupancy permit can be issued with out the variance at this time, Mr. Casini stated yes and he restated that the retail sale of propane gas is incidental to the use.

Mr. Faragone stated he discussed the tank placement with our Fire Chief Zmija. Mr. Faragone stated that the Fire Department will oversee of installation of the tank if the variance is granted.

Mayor Contipelli stated that the occupancy permit will go before Council at the May meeting and requested the representatives from Cleveland Welding be at the May Zoning Board Meeting.

Mayor Contipelli stated that the variance to distribute propane from a 1000-gallon propane tank for Cleveland Welding, Inc. at 5324 Grant Avenue in the Village of Cuyahoga Heights will be tabled until next meeting.

Mayor Contipelli recognized Mr. Kurtis Knapp, a representative from Great Lakes Construction, Inc. to discuss the topography variance. Mr. Dey reviewed a prior excavation at Charter Steel (the big hole) and stated that Great Lakes Construction has entered into an agreement with Charter Steel to fill the hole and prepare the land for future use by Charter Steel.

Mr. Faragone agreed in total with the way Great Lakes wants to fill the hole. Mr. Faragone reviewed the history of the reason for the hole by prior owners of Charter Steel property.

Mayor Contipelli asked if the traffic would be coming in from Grant Avenue. Mr. Knapp stated yes.

Mr. Vaccher asked about the frequency of truck traffic on Grant Avenue. Mr. Knapp reviewed that the traffic would be dependent upon the excavation jobs they have around the area. The traffic would not be continuous.

Mr. Mallos has concerns regarding the type of fill such as organics. Mr. Knapp stated that both Great Lakes and Charter Steel have entered into a long contract to monitor the filling of that hole and both of them also want clean hard fill to be used.

Mr. Mallos moved, seconded by Mr. Vaccher to approve the alteration of topography in accordance with Chapter 1485 by Great Lakes Construction Co., 4300 East 49<sup>th</sup> Street in the Village of Cuyahoga Heights. This alteration involves parcel nos. 521-12-001 & 521-12-002 owned by Charter Steel. The permit would be conditional to keeping the Village Streets clean, tree cutting on the site, and monitoring/security of the site for permissible fill.

WHEREFORE, no more business is to come before this Board, Mr. Faragone moved, seconded by Mr. Hartman to adjourn the meeting. All voting aye, none opposed; motion carried.

Passed: June 20, 2007

Attest:

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Mayor and Chairman

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Clerk of Council