

Chairman McGrath stated it being 7:30, we will call the June 15th meeting of the North Royalton Planning Commission to order.

The **Planning Commission** of the **City of North Royalton** met in the North Royalton Council Chambers, 13834 Ridge Road on **Wednesday, June 15, 2005 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Edward McGrath at 7:30 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

Present: Mayor Cathy J. Luks, Chairman Edward McGrath, Robert Stefanik, Council President/Representative, Vice Chairman Tony Sandora, Victor Bull, Clark Merdes, P.E., City Engineer, Joseph Hartman, Zoning Inspector, Thomas P. O'Donnell, Law Director and Brenda L. Fashempour, Secretary.

Opening Ceremony - Pledge of Allegiance. Chairman McGrath stated please stand for the Opening Ceremony, Pledge of Allegiance. Pledge of Allegiance recited.

Approval of minutes: June 1, 2005. Ms. Fashempour stated approval of minutes, June 1st, 2005 if you so choose. So moved Tony Sandora. Second Robert Stefanik. Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll. Roll call: Yeas: Five - Stefanik, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried. Chairman McGrath stated minutes are approved.

Old Business:

Daniel & Treva Egizii, Albion Road, PPN 481-05-012, RM-D zoning. Sketch Plan Approval - Proposing to building two four-plex units on one parcel served with a common drive. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Bob Witsaman, **Bob Witsaman Landscaping, Inc.**, 10911 State Road, Local Business Zoning. Site Plan - New Accessory Building, Remodel existing Garage Area, Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Columbia Gas of Ohio, plan to install 780' of 2" new plastic distribution main on Hedgebrook, Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Dog Paws at Play, 5801-C Royalton Road, General Business Zoning. Sign Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Cottman Transmission, 5801 Royalton Road, General Business Zoning. Sign Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Ordinance No. 05-15 - An Ordinance amending the Codified Ordinances of the City of North Royalton, part Twelve Planning and Zoning Code, Chapter 1246 Design Standards, Section 1246.02 Streets, Paragraph (h) Cul-de-sacs, and Declaring an Emergency. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Cleveland Water Department Back Up Power Project Ground Water Storage Tank - 15980 Ridge Road, North Royalton, Ohio. Cleveland Water Department is requesting revised site plan approval for exterior work which includes the installation of one generator set and associated site work that includes the extension of the existing driveway and the installation of protective bollards, Approval. Tabled.

Ms. Fashempour stated it is tabled, she would like to also add if we can to add the acoustical wall approval if you so choose.

Chairman McGrath stated is there a motion to remove from the table and add the acoustical wall approval.

So moved Tony Sandora.

Mayor Luks stated second.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Sandora, Bull, Mayor Luks, Stefanik, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated is the Applicant or their Representative here please, please stand up, please stand by the microphone, state your name, your home address, speak into the microphone and remember you are being recorded.

Yes, Thank You, my name is Alex Margevicius, MARGEVICIUS.

Chairman McGrath stated Thank You.

Mr. Margevicius stated his home address is 6035 Brookside Drive, Cleveland, Ohio, he is Assistant Commissioner of Engineering with the Cleveland Division of Water. Mr. Margevicius stated also with him today is Bob Tuckerman our consultant from Washington Group. Mr. Margevicius stated if, if it please this group he simply like to apologize initially on a couple fronts, one he knows that there was an expectation of a, a little higher presence if you will from the Division of Water itself at some previous Committee Meetings and a he does apologize for that, a, so he is here today, Director Ciaccia and Commissioner Nielson are both out of town otherwise one of those may have been here today. Mr. Margevicius stated secondly he knows there has been previous issues on sound and sound abatement with, in particular with Mrs. Undicelli's property and a he knows she made reference in the past to a letter, a about a commitment from the Division of Water, he guessed he is here to state that one, the Division of Water has never waiver in its intent to do sound improvements at that site, our execution plan did change and he thinks we failed to communicate better how are plans changed and again he wants to apologize for that. Mr. Margevicius stated if it's okay again with the Commission here, he would like to speak to a few issues if he could, one is just a couple minutes about the generator project in general and our need for it. Mr. Margevicius stated the sound issues and how we intend to address them and the remaining issues at the site as far as, at least as we know them if that's okay.

Chairman McGrath stated please and before you proceed, no apology was necessary but your words are appreciated and, and well taken and we appreciate the fact that you took time this evening to be with us and

apparently you are the man that is, based on the credentials you have stated, you are the right man to have in front of us this evening and we appreciate you taking time out of your busy schedule to be here.

Mr. Margevicius stated first of all the black out he thinks we are remember occurred in August 2003 and many of us he is sure remember what happen and particularly the vulnerability that it pointed up to the Cleveland Water System. Mr. Margevicius stated significant portions of the entire water system depressurized on that day and the following day. Mr. Margevicius stated so what we did was, conduct two studies actually in the immediate aftermath of the black out, the two copies which he brought here are the two big binders there, the first study was basically lessons learned, what went right, what went wrong for the Division of Water and the second study was what do we next, what do we do about this condition. Mr. Margevicius stated the upshot was basically that we concluded that we could not depend and would not depend and rely on the National Power Grid solely to provide water to the, to provide power to the Cleveland Division of Water. Mr. Margevicius stated we looked at the analysis of many different experts and there was, there is not a national consensus about the reliability of the National Grid so we decided to fail on the side of being extra cautious and we came to the conclusion that we need 58 mega watts of back up generator at our various water sites in order to keep the water system going in case of an additional blackout.

Mr. Margevicius stated he does hesitant to add that a we think that those generators will provide us benefit for more than just the total blackout condition, sometimes you can get a localized black out, truck comes by and knocks down a power cable and pole or for other reasons, systems can go down and while we have redundancy in the system to get by, it gives us even greater redundancy, we don't have to rely on other pump stations to get us through, so we think there was benefit to that. Mr. Margevicius stated as he indicated the a, generation has been planned to be distributed throughout the system, we conducted a preliminary design, we bid for contracts to a install this, Wagner Smith was the low bidder who got the award, he thinks some of their staff may have been here previously. Mr. Margevicius stated notice to proceed was issued to them this past March, and a we are on our way with this project for 25 million dollars, the Division of Water.

Mr. Margevicius stated now regarding noise, this noise issue came up even before he wants to say, before August 2003, Mrs. Undicelli's issues with the humming from the transformers in particular from the pump station there. Mr. Margevicius stated shortly after the station came on line, Mrs. Undicelli contacted us concerning about the noise there and a, we did a few things, number one we agreed to try and modify our practices for one, we had a practice in the summer for example to keep the garage door open for extended periods and try and vent the heat, and we have agreed to try to minimize the amount of time that we leave that garage door open to contain sound. Mr. Margevicius stated but the big issue is we wrote a letter committing to her to install sound barriers to try to mitigate the sound if you will that emanates from our transformers that are on the site. Mr. Margevicius stated we put a time frame in our letter to her where he intended to proceed and we were going to move forward, this is our intent, then he received a call himself from Mrs. Undicelli, he doesn't know if you remember or not when you spoke to him and she asked specifically, what is this sound abatement that you are proposing to do going to do, are you sure it's

going to provide any relief here, what the sense of building this thing if it's not going to do much good, so we felt that she had a point so we decided to take a step back, we contracted with Wagner, or Washington Group and one of the subs Sigma for a \$56,000.00 acoustic study just of the humming noise at that site to see what could be done. Mr. Margevicius stated we worked with Mrs. Undicelli as a matter of fact where a, our Consultant was just outside her house with one of the microphone pick ups to measure noise both there and at our pump station site, the principal conclusions of the report and he believes that the report was submitted to the Planning Commission earlier this week which should be in your packets he believes, the principal conclusions were that the Cleveland Division of Water is currently not in any violation of any existing North Royalton Ordinances concerning sound, we are well within the 50 and 60 decibels day and nighttime limits that exist. Mr. Margevicius stated to, there are other neighboring noises that are a factor in the noise levels in the area not just the noise that emanates from our facility. Mr. Margevicius stated there, there are certain frequencies typically in the 63 to 125 mega hertz range in particular that causes the distinct hum noise that comes the generator or from the transformers there. Mr. Margevicius stated and that depending on atmospheric conditions, depending on how clear a night for example greatly affects how hearable that humming noise is day to day. Mr. Margevicius stated and that sound barrier as we intended to, as we intended and do intend should reduce the hum noise, the particular hum noise by about 9 decibels and the total noise in general by about 13 decibels which are not insignificant reductions in noise. Mr. Margevicius stated so the Cleveland Division of Water in the spirit hopefully, hopefully it's viewed in the spirit of being a good neighbor is still committed and intends to proceed with installing those sound barriers and that's at a cost of \$68,000.00. Mr. Margevicius stated we now got the cost estimate from Wagner Smith to make that change at that location. Mr. Margevicius stated so all told, that's in excess of \$100,000.00 between the acoustic study and the actual improvements that we intend to make there to try and a reduce and remedy some of the noise situation that exists at that site.

Mr. Margevicius stated we know that there are some other additional issues that are at the site and your Engineer Mr. Merdes and us met last week to try and go over some of these issues and see if we could come to understanding of what hopefully is going to satisfy North Royalton, there are issues with the new generator proposed at the site with some screening issues and there are some existing trees at the site that have died, the Division of Water is prepared to put in approximately 54 new trees at the site, at a cost of about \$17,000.00.

Mr. Margevicius stated there is some fencing modifications proposed to provide a, a, more pleasing screening affect to the properties to the site, and better screening if you will a a green vinyl fence although whatever color preference is the pleasure here of North Royalton can be accommodated so we are prepared to install a 6' fence right up against our existing fence for about \$38,000.00.

Mr. Margevicius stated and we know that there is an issue with the paint, some peeling paint on the roof of the pump building itself at the site, he does think it is important to point that a when this building was under design and when we brought it to North Royalton at the time, we were advocating at the time not to paint the roof of that building,

that it was a stainless steel structure and paint does not adhere well to it, North Royalton did have the preference that it be painted any way so perhaps somewhat against our better judgment we agreed to paint the roof and we are seeing the problems with the painting on the roof now, however that being said, we are prepared, we are prepared to remove the paint from the structure, leave with the original stainless steel finish as was originally contemplated for about \$54,000.00.

Mr. Margevicius stated there is a little bit of a question he thinks if we can have some understanding with North Royalton on the timing of that, it may be more appropriate if possible to piggy back that onto some of our other painting contracts where we paint tanks and towers in the water system, makes a little more sense to package it with that contract but depending on timing issues if it absolutely has to be with this project we can accommodate that as well.

Mr. Margevicius stated so those are the larger issues that he wanted to speak to, Mr. Tuckerman here he thinks is perhaps a little bit more familiar with some of the precise details of some of these improvements so, between he or I we would be more than happy to answer any questions that you may have.

Chairman McGrath stated yeah, the one that comes to mind as he read, as he read the report, synopsis of the report was the question of air filled versus liquid filled transformers, it doesn't specify which exists at this property.

Mr. Margevicius stated yes and a, it was in a sense probably an oversight that, that little detail was not finalized before the report was finalized, those are liquid filled transformers, now they are oil transformers now so the opportunity to reduce noise by that doesn't exist, it's as low as they will basically get at this point.

Chairman McGrath stated it is not, Thank You.

Mr. Margevicius stated so.

Chairman McGrath stated that's the only question he had so.

Mr. Margevicius stated and, and we did also follow up Mr. McGrath on a, a, on what transformers like that ought to, existing noise wise and they are within limits of what's to be expected, there are not misbehaving if you will as far as the noise emitting from them today.

Chairman McGrath stated we have kind of a normal order in which we suggest to take questions, he will ask first if Mr. Merdes has any comments or any questions.

Mr. Merdes stated nothing to add at this time.

Chairman McGrath stated Thank You and then on to the Building Department if they have any comments or questions.

Mr. Hartman stated no comment Mr. Chairman.

Chairman McGrath stated and then to the Law Department if they have any comments or questions.

Mr. O'Donnell stated no, no comments.

Chairman McGrath stated and then to other Members of the Commission if they have any comments or questions.

Victor Bull stated Mr. Chairman to the applicant.

Chairman McGrath stated Mr. Bull please.

Victor Bull stated a one question he did ask last time that he did not hear an answer to, was whether any other materials were available that would even increase the noise reduction in that wall.

Mr. Margevicius stated Bob.

Bob Tuckerman, he lives at 8961 Woodland Avenue, Woodland Place excuse me, in Mentor, Ohio.

Mr. Tuckerman stated what we have done so far is we didn't really specify the material in the study, if you go through the study and you may not have gotten the drawings, in the study we basically recommend how much reduction we feel we can get at a very at, at the cost that we are looking at, we specify and recommended a certain thickness of materials, a certain a, a noise reduction but we didn't go to the length of actually calling out a specific material from a specific vendor, because what we typically do is we will go out, award this to our general contractor they will then get bids from several people who may provide different specific types of materials but the material is specified to supply that significant amount of reduction, so we don't, at this point in time he couldn't actually tell you that it's a, a certain type of material from a certain vendor, until we get to that stage of procuring it then we could, then we could go further into the types of material specifically, so we haven't actually got into the stage yet, we are waiting to get the permitting and then we will go forward with a, with actually initiating those contracts to procure the the materials.

Victor Bull stated Thank You.

Mr. Tuckerman stated yeah.

Chairman McGrath stated Thank You, anyone else on the Commission, is there anyone in the audience that wishes to, questions or comments, step forward, step up to the microphone as you know state your name, your home address.

Olha Undicelli, 16000 Ridge Road, North Royalton, Ohio. Mr. Undicelli stated a, as Alex says she has been talking to them from the beginning and she just wanted to stress to you again, when she bought that lot she did not know the Water Plant was going in, okay, the only way she found out is when she put it up for sale and someone was going to buy it and then they found out the Water Plant was going in and that's when she found out the Water Plant was going in, so she went to the Water Department, we tracked down who was the head, the Head of the Project and that was Sami Sarrough, and she asked him, is she going to have any noise coming from that building and he said absolutely not, it's an unmanned station so it's no noise she is suppose to have from that, from

the man from the beginning, well they built it, she built her house, they didn't have it operational in the beginning and then it went into full operation and when they had this study, well first they had all these alarms which she called Alex on and they eliminated them, these alarms would go off all the time, they, she means, it was constant, outside alarms and they made them silent okay and they have been really well and really good and a so what happen was in 2004 they asked if they could come over and do a study and she told them they wouldn't be able to tell in one or two days what the noise factor was, there are some days she can open her front door, when she lets the dogs out, she won't hear anything other days its like Oh My God, and she said how are you going to know to, from the study for just two days or whatever what the noise factor is, so she can't say that the noise study is really that accurate because depending on the water conditions how heavy the air is, there is some nights she has, she doesn't hear anything other nights it was louder for the transformer noise, but since that time which has been a year, now she is hearing whirling noises that are coming out of there, she doesn't now if it's because the equipment is getting older, she hasn't heard it at night, if it's, if she is working in her yard she hears it, so she really doesn't know, you know, she doesn't know when that happens or what's causing these extra machines to make these extra noises or what they put in there so, she just wants, she just hopes that whatever they do will eliminate the noise from coming to her, she is far away from them, she, she can't even imagine why she is hearing the noise over there, so it's got to be pretty loud for her to, for it to come to her house, that's all she can tell you and when she asked Sami Sarrough about the noise, he didn't tell her about a 50 decibels, or a 60 decibel, he would, her, she would have no noise coming from that building and that's you know what she is kind of leaning for and she is hoping that this wall will do it. Mrs. Undicelli stated now, if this wall doesn't do it, then what happens.

Chairman McGrath stated Mr. O'Donnell he thinks that something either a answer for you or for the Cleveland Water to address with Mrs. Undicelli relative to what happen if this doesn't work.

Mrs. Undicelli stated you know, she hates for anybody to waste money, she, believe her and it, she, she just wants to make sure that it's going to work because it's.

Tony Sandra stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated if he may before the Law Director answers that question, Mrs. Undicelli, a, who gave you the information that, that a, you, you just stated that when you were building your home that the Water Department wasn't going to, wasn't there.

Mr. Undicelli stated when, no, when, when she bought her lot okay.

Tony Sandora stated uh um.

Mr. Undicelli stated she did not know the Water Plant was going next door, she thought it was park okay, Will Kaiser sold her the lot, he never said anything that a Water Plant was going in okay.

Tony Sandora stated he never it, well, you know, he specifically asked that question about two or three meetings back and he had the Building, or Acting Building Commissioner at that time look it up for him okay and your permit was issued after the Water Department permit.

Mrs. Undicelli stated oh, she knows, you see.

Tony Sandora stated and after you bought, you purchased your home so.

Mrs. Undicelli stated no, not, she built, she owned the lot, okay.

Tony Sandora stated he knows, but you owned the lot and before their permit and everything that they brought to this Commission was issued before you started building your home.

Mrs. Undicelli stated she knows that, she had the lot, she had the lot for sale okay, she did not know the Water Plant was going in, she had a buyer for her lot and they backed out because they told her that a Water Plant was going next door.

Tony Sandora and they.

Mrs. Undicelli stated and she got scared because she figured Oh My God, she is going to have one of these gigantic things you know big, she is thinking of a big water tower that's when she went to the Cleveland Water Department and tracked down Sami Sarrouh who was the head of this whole department the whole.

Tony Sandora stated uh um, and he understands that but.

Mrs. Undicelli stated and he told her at that time, she said does she have anything to worry about, is she going to have any noise, no, we are going to do everything we possibly can, it's going to look great, the building is going to look great, the, everything else is going to look great so she went ahead and decided to build because she had the assurance that it was going to be a nice place, no noise.

Tony Sandora stated okay, Thank You.

Mrs. Undicelli stated okay.

Chairman McGrath stated Thank You, please.

Mr. Margevicius stated yes, if, if he may respond on a few points a, one is a, there certainly was never any intent from the Division of Water to try and conceal what we were trying to do.

Tony Sandora stated no.

Mr. Margevicius stated we we attempted to as a matter of fact, tried to site it on Mr. Kaiser's property initially as opposed to the park but we couldn't get a deal done with him and instead turned to the park to get it done and we worked very closely with the previous administration here on, on many issues regarding that site as well as you Mayor Luks, so a, a, that's one issue. Mr. Margevicius stated the other is, despite the fact that there is a vulnerability to the noise level she hears at her house depending again on the atmospheric on a particular night, their study did also measure the noise right at that source which is nearly dependent on what the atmospheric were basically was right there at the

transformer measuring the noise and what the sound level was that was emitting from it and just applying the good sound physics of noise abatement if you will, we have good confidence that that noise reduction will be obtained to the levels that we are anticipating so we have good confidence that a we ought to be seeing these reductions, we, we are anticipating here.

Chairman McGrath stated Thank You.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated Mr. Margevicius if, if you, by reducing the noise are you able to say, are you able to with certainty make the statement that it eliminates the noise at her home or do you not know that.

Mr. Margevicius stated um, Mr. Chairman to the Mayor, he doesn't think that anyone can say that the noise will go to zero, he doesn't think as he said the shear physics of that won't, says the noise will propagate it depends on the sensitivity he thinks and we do know or we are seeing that it's going to be reduced from what are within tolerances now even lowers, to even lower levels that a are that she can hear today so he is not sure much more than he can say then that Mayor.

Mayor Luks stated okay, Thank You.

Chairman McGrath stated Thank You.

Mrs. Undicelli stated one of the questions that she has is, you know you are going to build this retaining wall, but you are only making it 8' tall, what, what, what she thinks is happening now is a lot of times with the transformer noise, it echo's off the higher wall and she didn't know if that 8' wall is going to be able to contain that echo.

Mr. Tuckerman stated there is a wall, we are also putting panels up on the other wall.

Mrs. Undicelli stated but only 8', but only 8', but not the higher wall, see, that's what, she is worry, worried about, when she saw your, when she saw your, your, your.

Mr. Tuckerman stated the drawings.

Mrs. Undicelli stated the drawing, you have only 8' here, 8' here but you didn't go anything up the side of the wall so that's why she is wondering if it's going to, because she thinks that's, what's kind of happening now is a lot with a because you are in that corner, you are coming up like this.

Mr. Tuckerman stated yeah, a the building now.

Chairman McGrath stated you need, you need speak so that it's recorded please and a, references should be such that they can be understood as they are described please.

Mr. Margevicius stated this, the dash line that you see here now is the existing building wall, it's kind of a notch if you will where the existing transformers exist now there will be new partitions put up to enclose the transformers here, 8' high and there will also be sound insulation put up on the existing walls, lining them if you will to attempt to absorb the sound as from when they hit that wall and what's the nature of those.

Mrs. Undicelli stated what existing wall, there is no existing wall here, there is no wall.

Mr. Tuckerman stated yeah the building wall.

Mrs. Undicelli stated he's not, he's not, point at the building, this is the outside wall.

Mr. Tuckerman stated this is the outside wall, we, we are putting stuff on this wall also.

Mrs. Undicelli stated wait a minute, this isn't, where is the building.

Mr. Tuckerman stated this is the building.

Mrs. Undicelli stated oh, okay, oh, okay, right but this is only 8' tall okay what she is saying now is because she is getting that she thinks that echo affect because it's in this corner, that's what she was afraid of, she was always under the assumption and she doesn't know how this works okay, that you would go up the wall over it, all the way to the top to stop that bouncing off of the brick to come over to her house, because you are way higher than she is all right, do you understand what she is saying.

Mr. Tuckerman stated yes, he understands.

Mrs. Undceilli stated okay, so you are putting 8' she is saying it's 20' okay high, she doesn't know how high the building is, but, so is that going to stop that bounce off from the ones that aren't going to be insulated.

Mr. Tuckerman stated well again, it's, it's 8' high on the wall but those actually are sitting down several feet down in a, in a fenced type area, the transformers are sitting down.

Mrs. Undicelli stated she, she knows that.

Mr. Tuckerman stated so we are above the eight, well above the height of the transformers themselves.

Mr. Margevicius sated above the height of the transformers.

Mrs. Undicelli stated but we don't know where the noise is, where it is actually bouncing off of, she is not saying it's emitted this way, she thinks it is more coming off this way.

Mr. Margevicius stated well, Mr. Chairman if he may.

Chairman McGrath stated please.

Mr. Margevicius stated he would say it would be okay, he would say that the Division of Water would be okay with, if we take the initial approach of let's go with the 8' all the way around and if after that there is deemed to be merit to run those higher up the existing wall and provided North Royalton is okay with what the appearance of that final affect may be, that, that he doesn't think that the Division of Water would object to such an approach.

Mrs. Undicelli stated she is the only one that sees it.

Mrs. Undicelli stated can she have that in writing.

Mr. Margevicius stated we can put that in writing if that's helpful.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor please.

Mayor Luks stated so we are all on the same page, you are saying now to go back to the plan of putting up a 8' wall all the way around but are you, and then are you eliminating the panels that would have gone on the building itself.

Mr. Margevicius stated no.

Mayor Luks stated you are still maintaining that.

Mr. Margevicius stated yes.

Mayor Luks stated okay.

Mr. Margevicius stated it will be basically four walls around if you will, although one of them is curved but basically all the way around will be 8' of, of sound barrier and on the existing walls if there is a desire, if North Royalton so directs we will erect it higher than the 8' in an attempt to mitigate noise even more.

Mayor Luks stated okay, and it's her understanding that we don't, can't see what those materials look like until you award the contract.

Mr. Tuckerman stated correct, yeah, there are two different vendors that we are looking at, at buying this stuff, he is sorry, there are three different vendors we are looking at right now.

Mayor Luks stated can you assure her that they are not going to be you know, purple and green or pink polka dots or.

Mr. Tuckerman stated yes he can assure you that.

Mayor Luks stated some.

Mr. Tuckerman stated but a, a, were, very quickly after the permitting were going, were going to get into this one very quickly he can, he actually send some sample or a, he doesn't know if those got forwarded or not, but he has some samples from a, or, or at least a web page from one of the vendors that shows what they, they typically do and what they typically look like, the outside wall is actually very similar in design to what goes on the highways, when they put up the barrier walls. Mr.

Tuckerman stated on, on the highways to protect noise from a, from a you know it's, just a slightly less a what does he want to say, it's not the, you know, it's not going to be 6" thick of concrete type of a thing, it's, it's much more, more user friendly he guessed in our on site here.

Mayor Luks stated uh um.

Mr. Tuckerman stated but he does have a couple of those and that is probably the vendor we are going to end up with and he can give you those and you could at least have a look at those and see what you think of them.

Mayor Luks stated that, that would be helpful because she is concerned that you are going to solve our, our residents noise problem and create a, a aesthetic problem so.

Mr. Tuckerman stated well he, he thinks, again, he hasn't, he is not, is not an expert in these materials but it's the type of material that a and there is actually some pictures in the brochure that show it in a, a swimming pool area, you know inside of, indoor swimming pool and they can make them different colors, they can, you know we can make it so that it blends in.

Mayor Luks stated blends in.

Mr. Tuckerman stated blends in with the concrete or the wall better.

Mayor Luks stated good.

Mr. Tuckerman stated the brick walls.

Mayor Luks stated okay, then Mr. Chairman, she thinks we need to remember that in making any motions that, that condition be placed that, that it blend in with existing materials on, on the structures.

Mr. Tuckerman stated absolutely.

Chairman McGrath stated okay, Thank You.

Mayor Luks stated Thank You.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated and a, to tail on the Mayor, they will be coming back before us this, is only for the acoustical tiles tonight.

Mr. Margevicius stated yes.

Tony Sandora stated and we even if, if, and he doesn't know if we are going to vote for it or what, but he we approve this, or just approve it tonight whatever, they will be back before us and at that time if we approve it tonight they can go out for their contracts, they will know the vendor that they are going to have and then they could get the samples from the vendor that they are going to use and when they come back before this Commission for their final, they could bring those samples with them and we could then pick one see them all, or whatever or however everybody so chooses.

Tony Sandora stated he is sure that, he doesn't know when they are scheduled for BZA again but it's probably not going to be until.

Ms. Fashempour stated end of June.

Tony Sandora stated BZA end of June.

Ms. Fashempour stated looking to come back to us July, in July.

Tony Sandora stated in July so we will have to, probably the first meeting in July.

Mayor Luks stated okay.

Mr. Margevicius stated just very quickly, Mr. Chairman.

Chairman McGrath stated please.

Mr. Margevicius stated Mr. Merdes went over the schedule with us and that's exactly what we were anticipating that we would go to the Zoning Board next and then follow up with the Planning Commission here again after that, so we are fully prepared to do that.

Chairman McGrath stated Mrs. Undicelli.

Mrs. Undicelli stated Mr. Tuckerman, since you are heading this, did you see a demonstration of the noise breakdown, did you go somewhere and say okay, this is what it was like when it was open, this is what it was like when it was.

Mr. Tuckerman stated with, with the sound barrier, no.

Mrs. Undicelli stated with the sound barrier.

Mrs. Undicelli stated so there is no way you, so you really, you are guessing, she means are you guessing.

Mr. Tuckerman stated no.

Mrs. Undicelli stated oh, you know for sure.

Chairman McGrath stated Mrs. Undicelli, Mrs. Undicelli.

Mrs. Undicelli stated yes.

Chairman McGrath stated whatever they are doing, some is going to be better then now.

Mrs. Undicelli okay.

Chairman McGrath stated let's, let's take it from that point of view.

Mrs. Undicelli stated all right.

Chairman McGrath stated they are making, they are making step in the right direction.

Mrs. Undicelli stated right, like she said, she, she understands.

Chairman McGrath stated and to, to challenge him as to what he did and how he did it and where he did it.

Mrs. Undicelli stated but she just, sometimes people buy things without really seeing what they are and then when you get them home they go oh know, you know what she means.

Chairman McGrath stated they are not going to spend a \$100,000.00 without knowing what they are doing based on the five million that they have got.

Mrs. Undicelli stated she doesn't know about that.

Chairman McGrath stated well, let me try it one other way, we can either have something or we can have nothing tonight, what do you want to do.

Mrs. Undicelli stated okay, she knows, she understands, she would rather have something.

Chairman McGrath stated okay.

Mrs. Undicelli stated okay.

Chairman McGrath stated Thank You.

Mrs. Undicelli stated but she still wants it in writing that if it doesn't work, he is going to go up the wall, okay.

My name is Frank Meserini, he lives at 15933 Ridge Road directly across from the water reservoir. Mr. Meserini stated and a, his question is, instead of this wall you are building, why can't you insulate from inside of the building, styrofoam or some type of material.

Mr. Margevicius stated Mr. Chairman, to the Gentleman a.

Chairman McGrath stated please.

Mr. Margevicius stated the noise that is emanating from, at least the particular noise that Mrs. Undicelli is particularly concerned about is emanating from the transformers which are outside, those are the noise in particular so were, in a sense somewhat enclosing them.

Mr. Meserini stated right, well that.

Mr. Meserini stated is she saying that all of her noise is coming from the transformer.

Mrs. Undicelli stated not any more no, but, that's, she is hoping your walls take, she thinks it is coming out of the vents, something is happening in that building real loud and she is hoping that wall will take care of it, it.

Mr. Meserini stated no, the transformer instead of putting a wall up why can't you just enclose the transforms, put the walls around the, if she is talking about the transformers he thinks she is, it's, up about 20' in the air.

Mrs. Undicelli stated no, no.

Mr. Meserini stated that's the one you are talking about.

Mr. Margevicius stated that's the CEI substation, no that's the not noise.

Mr. Meserini stated that's what you are talking.

Mrs. Undicelli stated no, no, that one is nice and quite as far as she knows.

Mr. Meserini stated oh.

Mr. Margevicius stated the transformers are the smaller facilities right in the little nook in the corner there where that sound is coming from.

Mrs. Undicelli stated right in the corner, but see the idea is Vince that they will go right into the building and they are going to enclosure that with those walls.

Mr. Meserini stated oh, okay.

Mr. Tuckerman stated if he may, the vents, the two vents that Mrs. Undicelli is talking about are located inside of our containment area so we should get some relief from those vent also.

Mayor Luks stated good.

Mr. Tuckerman stated when those open up.

Mayor Luks stated good.

Mr. Meserini stated now he has got another question, in this building right now are there any back up generators to pump that water.

Mr. Margevicius stated Mr. Chairman, to the Gentleman, no they are not, that's precisely why we are here for this generator project.

Mr. Meserini stated you built, you built the pumping station without any back up generators, is that what you are saying.

Mr. Margevicius stated yes that's correct and.

Mr. Meserini stated well that's poor engineering isn't it.

Mr. Margevicius stated well, he would point out that there are many water systems throughout the Country that were in the same boat as we were and a, we, we, we have taken over the years great strides to provide redundancy to the water system, that's one of the reasons why we built the North Royalton station to begin with, this whole district here, the third high district out here is fed by only one pump station if we were to loose that this system would go dry, that's why we constructed the North Royalton facility we put our eggs in that level of redundancy if you will by having, backing up the entire stations not just the power to there but that strategy depends on not losing the entire National Grid, the entire CEI.

Mr. Meserini stated were not talking, he is just talking about this this specific water reservoir right now, there is no back up, nothing, no back up generators in there at all to pump that water out of there.

Mr. Margevicius stated as of today there is not, in about 10 months there will be.

Mr. Meserini stated no, no, all right, and this was, this was all planned at, this was built specifically like that with no back up generators in there.

Mr. Margevicius stated Mr. Chairman, to the Gentleman, that's correct, because if this station went down the Pleasant Valley Pump Station is designed to hold it.

Mr. Meserini stated and a, excuse me, now you are just stating that 911 made you guys think about putting a generator outside of the building now, that was caused by 911.

Chairman McGrath stated he didn't, he didn't, he didn't hear you say that.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated please Mayor.

Mr. Meserini stated he thought that was what he said.

Mayor Luks stated Sir, to, to our resident no, it was the major power outage that we had when we were the, that when multiple States were without power, a portion and major portion of the Country was without power for a day, three days.

Chairman McGrath stated August of 03.

Mr. Messerini stated well he would think that a facility of this side pumping water would have had a, would have had a back up generators in there already, even homes today have, people will go out and buy a back up generators for when the power goes out so he doesn't see why something, a facility this big.

Chairman McGrath stated Mr. Meserini what's your, what's your point with all respect, he said it wasn't, he said it wasn't there.

Mr. Meserini stated what's his point is, all of the sudden now they are coming here and they are saying they got to put this great big massive diesel engine behind there with a, for a back up generator, when, when they never, when they should of have these back up generators inside of the building in the first place probably if they would have engineered it right.

Chairman McGrath stated okay, Thank You.

Mr. Meserini stated that's what he said.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else wishing to be heard.

Mrs. Uffman Kirsch stated one minor point of clarification Mr. Chairman, Councilwoman Lisa Uffman Kirsch, Sir, she is certain this was just an oversight but when we were talking about the property perimeter fencing, the vinyl replacement, you had mentioned 6', now in the letter from Mr. Rubino it did say 6' and then we talked subsequently and it was 8' because she believes that your current fence is 8' so for the record she just wanted to make sure that we are both on the same page that regardless of the footage, let's say it this way, Mr. Chairman, that regardless of the footage that the new fence comes up to where the current fence is so we don't have a, whatever the footage is.

Chairman McGrath stated Thank You.

Mr. Margevicius stated Mr. Chairman.

Chairman McGrath stated please.

Mr. Margevicius stated Councilwoman, he apologizes if he made a mistake, a Mr. Tuckerman has directed him here that is an intention for a 8' fence at the, to match and back up against our existing fence.

Mrs. Uffman Kirsch stated that's all she has Mr. Chairman, Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else wishing to be heard, anyone on the Commission.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated she moves to approve the sound how does she refer to this.

Ms. Fashempour stated acoustical wall.

Mayor Luks stated she is sorry.

Chairman McGrath stated acoustical wall.

Ms. Fashempour stated acoustical wall.

Mayor Luks stated the acoustical wall as proposed all the way around the transformers at this time with the condition that the materials blend into the existing building and structure that's it.

Chairman McGrath stated second.

Chairman McGrath stated it has been moved and seconded, is there any further discussion, will the Secretary please call the roll.

Roll call: Yeas: Five - Bull, Mayor Luks, Stefanik, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated the acoustical wall as proposed is, is approved.

Chairman McGrath stated is there a motion to table the rest of the project pending the outcome of the BZA meeting.

So moved Mayor Luks.

Second Tony Sandora.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Mayor Luks, Stefanik, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Mr. Margevicius stated Mr. Chairman, Commission, Thank You very much.

Chairman McGrath stated Thank You very much and Thank You for taking your time out of your busy schedule to come out, we much appreciate, look forward to seeing you at the next meeting.

Mayor Luks stated Thank You.

Manjole Bjelicic, **The Inn Between**, 8684 Ridge Road, Local Business Zoning. Site Plan Addition Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Romano Produce, 8875 Ridge Road, Local Business Zoning. Site Plan Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Allied Witan Company, 13805 Progress Parkway, General Industrial Zoning. Site Plan Addition Approval. Tabled.

Ms. Fashempour stated it is tabled, she has a letter today asking that the application be withdrawn so she needs a motion to remove it from the table and withdraw it from the Agenda.

Tony Sandora stated motion to remove the table and withdraw from the Agenda.

Mayor Luks stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Stefanik, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated so done.

Rivers Edge Properties, LLC., Bennett Road, PPN 485-12-006 and 485-11-001, Rural Residential Zoning. Lot Split and Consolidation. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

NU-TOOL Industries, Inc., 9920 York-Alpha Drive, PPN 483-13-001, General Industrial Zoning. Site Plan Addition Approval. Tabled.

Ms. Fashempour stated it is tabled, there will be no action.

Ms. Fashempour stated she is going to request from, Planning Commission to request from Council 90 day extension on #1 Dan and Treva Egizii, #2 Bob Witsaman Landscaping, #3 Columbia Gas of Ohio, #4 Dogs Paws at Play, #5 Cottman Transmission, #6 05-15, #7 Cleveland Water Department Back up Power Project Ground Water Storage, The Inn Between, Romano Produce, Rivers Edge Properties, LLC and NU-TOOL Industries please.

So moved Tony Sandora.

Mayor Luks stated Mr. Chairman she seconds.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Bull, Mayor Luks, Stefanik, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated done.

New Business:

Sign Approval

Kirby, 10991 State Road, Local Business Zoning. Signs Approval.

Chairman McGrath stated is the Applicant or their Representative here, step forward please, state your name, your home address, speak into the microphone, and remember you are being recorded.

My name is Robert Paradise, he resides in North Royalton, 14796 Lancelot Lane in Camelot Estates, a year ago he rented the property at 10991 State Road, where an existing sign was up and he in the last couple months he replaced that face with the a, he is a factory distributor for Kirby Company and he put a Kirby sign on there and he is just requesting that, that, that be all right.

Chairman McGrath stated we have a problem as you may or may not know, let's start with the Engineer, any comments please.

Mr. Merdes stated no comments at this time.

Chairman McGrath stated Thank You, to the Building Department any comments please.

Mr. Hartman stated no comment Mr. Chairman.

Chairman McGrath stated he believes in the Building Report written by Mr. Arrendale he indicates that the existing sign face change, 12 square feet is permitted, the existing sign at 15 square feet, the submittal is 3 square feet over the maximum size allowed.

Mr. Paradise stated he didn't, he didn't increase the size of the sign, a Mr. McGrath, the sign was already up all he did was.

Chairman McGrath stated did you get a permit before you put your sign up Sir.

Mr. Paradise stated no he didn't.

Chairman McGrath stated okay well that, that would have been a good start probably.

Mr. Paradise stated he understands that and your, your exactly right.

Chairman McGrath stated because there is no permit for the existing sign that we can find.

Mr. Paradise stated right.

Chairman McGrath stated and, and, and it's not in compliance which causes the issues that we have.

Mr. Paradise stated he understands but he doesn't own the building, you would have to take that up with the Landlord.

Chairman McGrath stated no Sir, he doesn't have to take that up with anybody.

Mr. Paradise stated all right, well.

Chairman McGrath stated you have to take it up with somebody.

Mr. Paradise stated he doesn't own the sign though.

Tony Sandora stated the sign has your name on it.

Chairman McGrath stated we going, this, this is, this could, this could be either friendly or it can be adversarial, it can be anyway you want it to be Sir.

Mr. Paradise stated well he is sorry, he is not trying to be adversarial.

Chairman McGrath stated he doesn't have to take it up or we don't have to take it up with anyone or anybody, you need to, you need to find a way to work this problem out and we are going to try to help you.

Mr. Paradise stated what's, it, tell him about it, he would be more than happy to take care of it.

Chairman McGrath stated you an, you have two choices that he sees and he is going to ask the Law Director to opine and tell him if he sees an alternative choice.

Chairman McGrath stated you can take the sign down and put up a sign that complies after getting properly permitted or you can go to the Board of Zoning Appeals and ask to see if they can grant a variance causing this sign to come into compliance, those are the two choices that are apparent to him, he will ask the Law Director if he sees a third choice.

Mr. O'Donnell stated no, those are two main choices.

Mr. Paradise stated okay.

Chairman McGrath stated okay, now it's your call at that point on how you would like to approach it, we can table it and if you indicate that you want to go to the Board of Zoning Appeals.

Mr. Paradise stated yeah he would like to get it approved.

Chairman McGrath stated okay.

Mr. Paradise stated and a, but a understand, he wasn't trying to be irate or here, all he was trying to explain to you is that, the the sign itself was there when he rented the property, he didn't put the sign up, all he did was replace the cover.

Chairman McGrath stated understood.

Mr. Paradise stated the size of it was already established before he moved in.

Chairman McGrath stated and somewhere within this procedurally, properly, probably had you discussed it the landlord or with the City you would have been informed that the sign for whatever reason wasn't in compliance.

Mr. Paradise stated okay.

Chairman McGrath stated and you could have been guided as to how you wanted to handle that and he doesn't know where that sign came from and it quite honestly.

Mr. Paradise stated it was a, it was a Nationwide Sign so.

Chairman McGrath stated but he means for, for that point.

Mr. Paradise stated whoever was leasing the building prior to his taking it over.

Chairman McGrath stated but that doesn't matter to you and to us tonight, it, it's there and it and you.

Mr. Paradise stated well it's a fact he means you know.

Chairman McGrath stated but it's there, but it's there without a permit, that sign was never.

Mr. Paradise stated the sign was there without a permit before he rented it.

Chairman McGrath stated it doesn't mitigate the fact that the new one can go without a permit he means, it.

Mr. Paradise stated he agrees with you, that's why he is here.

Chairman McGrath stated so if you, if you like we can table it here, you can go to BZA see if they can work it out with you and then you can come back and by having it tabled you don't have to pay a reapplication fee so, we will put it on hold until you work out the details with them and

then come back, if you come back with a variance we can go forward from there if you come back without a variance then we will have to take, take another look and and have to determine how.

Mr. Paradise stated so what he needs to do then is is get a, go in and try and get an okay on the size of it, is that what we are talking about.

Mayor Luks stated Mr. Mr. Chairman, yes.

Chairman McGrath stated Mayor please.

Mr. Paradise stated yeah.

Mayor Luks stated if she may, you will need to go to another Board which excuses you from meeting the Code, if there is in their eyes no harm, no foul and you are not harming the intent of our Code, which is to protect everybody's property values and make everything look nice and so you will have to work through if you go back down to the Building Department you will have to apply.

Mr. Paradise stated okay.

Mayor Luks stated someone in the Building Department would be happy, happy to help you explain the process.

Mr. Paradise stated okay that's fine.

Mayor Luks stated in fact most specifically if you could talk to Julie, okay.

Mr. Paradise stated okay.

Chairman McGrath stated and so you know the rationale behind that, we have taken an oath to uphold the Codes and Ordinances of the City, if we know that the sign doesn't comply with the Codes and Ordinances we can't grant an approval.

Mr. Paradise stated he understands that and he.

Chairman McGrath stated just so you know why, where we are coming from.

Mr. Paradise stated no, no, no he understands that, he understands exactly what you are saying, but you have to understand, that, that was up before he moved in there.

Chairman McGrath stated so, right, he understand.

Mr. Paradise stated okay, he just didn't know whether you, he just wanted to make that so that you are aware of that.

Chairman McGrath stated a most of us on this Committee have lived in Royalton for a long time and yeah, he knew there was a sign there.

Mr. Paradise stated okay.

Chairman McGrath stated and again, don't know how it got there and apparently and no, there is no, there is no permit for it being there so.

Mr. Paradise stated well whatever he has to do to a, a whatever is proper is what he wants to do.

Chairman McGrath stated well what the Mayor just indicated would be the proper course, go back down to the Building Department and they will help you with the application, you then will go to BZA, they will hear your situation, you plead your case, they will tell you what they think.

Mr. Paradise stated can he, can he ask you this question, if for some reason they deny that application or approval would he be able to, he has this cover that he took off, he just put the cover back on and take that one off and it would just go back to the way it was right.

Chairman McGrath stated he doesn't, what, what cover is that Sir.

Mayor Luks stated Mr.

Mr. Paradise stated well see there was a cover on the sign and it said Nationwide, he took the cover off and put Kirby, he still has the Nationwide cover so, if, if, if it doesn't pass he has no problem taking the Nationwide cover and taking his Kirby sign back off and putting the Nationwide sign back up.

Chairman McGrath stated why would you want to be in the Kirby business with a Nationwide sign.

Mr. Paradise stated no, he will get.

Chairman McGrath stated oh okay.

Mr. Paradise stated he is on a month to month lease, he will just tell the landlord that he is moving out, he will just.

Chairman McGrath stated oh okay.

Mr. Paradise stated he lives in North Royalton it is nice and convenient.

Chairman McGrath stated right, sure.

Mr. Paradise stated and he would like to stay there, but he thinks there is Parma, there is all kinds of cities he can, you know, he will just open up out there.

Chairman McGrath stated yeah, and we would like to have you, we would like to see you here.

Mr. Paradise stated yeah, he would like to be here, he means, he has been here for 13 years and he is resident and a.

Chairman McGrath stated good, and we, we do try to work with local residents and it's good to see people try to grow their business within the Community.

Mr. Paradise stated he is also a Certified Public Accountant in case anybody needs any accounting work done, he kind of retired from that years ago, he couldn't take the numbers.

Chairman McGrath stated good, good deal, good, he a wish you, he wish you much Good Luck and if you stop at Building, at the Building Department tomorrow or sometime during the week, we will go from there.

Mr. Paradise stated okay, he will take care of it.

Chairman McGrath stated in the meantime we will put it, we will table it tonight if that's okay with you and that will save you the re-application fee.

Mr. Paradise stated great.

Chairman McGrath stated Good Luck to you Sir.

Mr. Paradise stated Thank You.

Chairman McGrath stated Thank You.

Tony Sandora stated motion to table.

Mayor Luks stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Mayor Luks, Stefanik, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated tabled.

Lot Split/Consolidation

Geraldine Heyd & Jeffrey Smolka, Co-Executors Eva Cygan, PPN 481-07-010, 11447 & 11425 Sprague Road, R1-A Zoning. Lot Split.

Chairman McGrath stated is the Applicant or their Representative here please.

I am Geraldine Heyd, 3968 Grafton Road, Brunswick, Ohio.

Chairman McGrath stated turn the microphone down a little bit make it a little easier for you to talk.

Mrs. Heyd stated okay, I am Geraldine Heyd, 3968 Grafton Road, Brunswick, Ohio and she has her daughter with her to help.

Daughter asked if it was okay if she spoke for her.

Chairman McGrath stated okay, sure.

Okay my name is Tammy Deyer and she is her daughter.

Chairman McGrath stated and you live where please.

Ms. Deyer stated she lives at 655 Jeanette Street, Brunswick, Ohio and this is regarding her Great Aunt, her Aunt Eva Cygan and Jeffrey Smolka's Grandmother, they are the co-executors of the estate. Ms. Deyer stated what we have submitted was back in 1960 her great Uncle Joe and Aunt Eva had done a survey and split of their property which divided

it into five parcels that was approved back then by the Mayor but then since then the Sewer Treatment Plant, she believes it was 1963 needed to take the part park of the property which also eliminated one of the side parcels and what they are asking today is if they could get two variances so that they could still split the 4 plus acres into 4 lots because there are two existing structures, one being a farmhouse and the other being a brick ranch to be able to have it at the four parcels for four different families.

Chairman McGrath stated you mentioned variances, variances are granted not by this Commission but the Board of Zoning Appeals.

Ms. Deyer stated okay.

Chairman McGrath stated but we do property splits and consolidations here and the split as presented to us he will let the Law Director pick it up for here please.

Mr. O'Donnell stated the split as presented does not meet our Code for the frontage that's required that requires, each lot would have to have 100' frontage.

Ms. Deyer stated right.

Mr. O'Donnell stated from side to side and because it does not comply with our current Code, the Planning Commission would not be able to approve that, you could seek a variance through the Board of Zoning Appeals for the two lots that do not meet the frontage requirements. Mr. O'Donnell stated he is a little bit confused by this because our notes indicate that if there was a lot split approved in 1960, we can't find any record that it was ever recorded with the County Recorder's office.

Mrs. Heyd and Ms. Deyer stated no, okay.

Mr. O'Donnell stated so legally he doesn't know if that lot split is valid anymore because if it wasn't ever recorded.

Ms. Deyer stated okay.

Mr. O'Donnell stated meaning, our current Code would say, if we were to approve your lot split request tonight to four lots, you would have to then take this to the Recorder's Office and record it within a, a he thinks one year under our Code, if you don't do that, your authorization expires.

Ms. Deyer stated okay.

Mr. O'Donnell stated and he is pretty sure that our Code and he is not certain about this but our Code back in 1960 may have had some statement like that in it and the fact that the City did purchase one of the, one part of that property and the backland for the B plant might have negated whatever split was done in 1960, a, so regardless, the Commission can not approve your request tonight because the frontage doesn't comply on two of the lots and if you wish you can ask to have it tabled and seek a variance with the Board of Zoning Appeals, he, it looks to him like you have the area requirements, area meaning the total square footage of each lot but it looks like the frontage is not in compliance and he thinks that's the only variance you would need on two lots.

Ms. Deyer stated right.

Mr. O'Donnell stated so if Board of Zoning Appeals grants that then you could come back here for approval.

Ms. Deyer stated okay, then that's what they would like to do.

Mr. O'Donnell stated all right.

Chairman McGrath stated good, then we will table yours tonight in the same way we tabled the previous application that saves you the cost of the re-application, we put it on hold here until you go to before the BZA and then come back to us with whatever you have after you have that meeting and we will go from there.

Ms. Deyer stated okay, Thank You.

Chairman McGrath stated Thank You, Good Luck to you.

Chairman McGrath stated is there a motion to table.

Tony Sandora stated motion to table.

Victor Bull stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Mayor Luks, Stefanik, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried

Chairman McGrath stated that is tabled.

Site Plan Approval

Fibertower, (David S. Anthony) Sprint PCS, Valley Vista School, 4049 W. Wallings Road, Public Facility Zoning. Site Plan Approval.

Chairman McGrath stated the Applicant or their Representative please.

Yes, Good Evening, Mr. Chairman, esteem Members of the Commission, David Anthony on behalf of Fibertower, address 7425 Royalton Road, North Royalton, Ohio 44133.

Chairman McGrath stated esteem Members of the Commission.

Mr. Anthony stated absolutely.

Chairman McGrath stated Thank you, Thank You, you flatter us.

Mr. Anthony stated he tries the best he can Mr. Chairman.

Chairman McGrath stated we understand.

Mr. Anthony stated basically this is a project, a collocation project on an existing telecommunications tower, located here in North Royalton, the Sprint Tower located at Valley Vista Elementary, the project calls for an immediate addition of two microwave dish, each dish, 2.5' in

diameter with a maximum of 4 microwave dish in the possibility in the future. Mr. Anthony stated relative to ground equipment for this, it would a 4 x 4 pad, if in fact addition dish, meaning up to that four total dish were added to this tower, the 4 x 4 pad would not change, the 4 x 4 pad is within the existing leased area, it would be very minimal change, he believes that the drawings submitted to the Commission met the Zoning requirements, there is no height additional to the tower, there is generally, based upon the the very small nature of these microwave dish and the very light load of them, there is not a real great increase in the stress factor to the tower, he doesn't, it's not a major, a major collocation like a a Nextel, a Cingular and Verison, it's not a full antenna array so we are not talking about that type of project, very minimal type of project he believes it meets the zoning requirements and therefore we would ask that the site plan be approved, if there are any questions that he might answer he would certainly field those questions.

Chairman McGrath stated to the Engineer, any comment please.

Mr. Merdes stated no comments.

Chairman McGrath stated Thank You, to the Building Department any comment please.

Mr. Hartman stated no comment Mr. Chairman.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Law Department.

Mr. O'Donnell stated no comments.

Chairman McGrath stated Thank you, anyone on the Commission, anyone in the audience, any kind of motions.

Tony Sandora stated motion to approve.

Mayor Luks stated second.

Chairman McGrath stated moved and seconded discussion, Secretary please call the roll.

Roll call: Yeas: Five - Stefanik, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated approval is granted.

Mr. Anthony stated he Thanks you very much.

Chairman McGrath stated Thank You, Good Luck to you.

Mr. Anthony stated have a good day.

Chairman McGrath stated Thank You.

CCD Incorporated, (Jim Brown) **Christopher Norris**, 4861 Royalton Road, Town Center District-5, Site Plan Approval.

Mr. Brown stated how are you doing.

Chairman McGrath stated state your name, your home.

My name is Jim Brown, he is the Representative for Custom Carpentry and Design working for Mr. Norris, and the project expansion of his front porch on his existing residence, he lives at, well he lives in Middleburg Heights, our office is 1669 West 130th, Hinckley, Ohio.

Chairman McGrath stated Thank You.

Chris Norris property is located 4861 Royalton Road, North Royalton.

Chairman McGrath stated good to see you again Chris.

Chairman McGrath stated share with us what you will please.

Mr. Norris stated we are proposing a covered porch in the front area of the building and resurfacing of the building, keeping the same design, trying to match the existing stone where possible, same stucco color, there is a, we have a severe roof, snow problem in the winter time that comes off of the Spanish style roof making the front door very impassable in the winter months and we think that the covered porch would enhance the appearance of the building and make it a little more convenient to a deal with Mother Nature.

Chairman McGrath stated and probably aesthetically in keeping with what you are doing up there, what you have done and he thinks it adds to the Town Center Corridor concept that we.

Mr. Norris stated yes Sir.

Tony Sandora stated it's a great improvement.

Mr. Norris stated and we are excited to be a part of the Town Center Project too, so, looking forward to getting starting.

Chairman McGrath stated good.

Chairman McGrath stated to Engineering anything.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated he had one comment that he included in the report that a, Chapter 1481 required Stormwater Management, there is a section in that Code that is 1481.05c that essentially if you can a have a well, it says that, you qualified under the, the development, the area disturbed that you would need to demonstrate that the existing storm sewer creek or drainage can hydraulically accept the increased storm water that is generated from the site with adverse affect to the system.'

Mr. Norris stated we are not adding any more a rainwater than already exists, were, were, the, a cover porch is going over existing concrete now so he doesn't believe the, if, and if anything the gutter area would then carry more of the water to the storm water system he believes Sir, of course he doesn't have your Engineering skills but, we are not adding

more square feet to the concrete, we are actually decreasing the interior square feet of the building with the covered porch so if the current storm system is handling the water today he doesn't see that we are going to increase any more water, we are just redirecting it, it is just going to, instead of falling on the concrete and running down the concrete it's going hit a roof and fall into a gutter.

Mr. Merdes stated everything that you just said, you probably will have to include as a note on, onto the plan when it's being reviewed.

Mr. Norris stated could he contact your office for the preference and text.

Mr. Merdes stated a, sure.

Mr. Norris stated Thank You.

Chairman McGrath stated Building Department anything.

Mr. Hartman stated no comment.

Chairman McGrath stated anyone on the Commission anything.

Chairman McGrath stated anyone in the audience anything.

Tony Sandora stated motion to approve.

Mayor Luks stated second.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Mayor Luks, Stefanik, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated it is approved, Congratulations, much Good Luck to you.

Mr. Norris stated Thank You everybody.

Tony Sandora stated nice, very good.

Miscellaneous

Ms. Fashempour asked if she could get a ninety day time extension please on Kirby and Heyd, Smolka and Cygan please.

Chairman McGrath stated motion to extend ninety day.

Tony Sandora stated second.

Chairman McGrath stated moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Stefanik, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

August Recess. Ms. Fashempour stated if you so choose, a motion to recess in August.

So moved Tony Sandora.

Second Robert Stefanik.

Chairman McGrath stated moved and seconded, any discussion, Secretary please call the roll.

Roll call: Yeas: Sandora, yes we need a break, Bull, Mayor Luks, Stefanik, Chairman McGrath. Nays: None. Motion carried.

Ms. Fashempour stated and then she had one add on, if you so choose to add it to the Agenda, Columbia Gas of Ohio, gas line Eagle Point, Eagle's West.

So moved Tony Sandora.

Second Robert Stefanik.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Mayor Luks, Stefanik, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated approval is granted.

Ms. Fashempour stated no, that was a motion to add, she needs a motion to approve if you so choose.

Chairman McGrath stated Engineering any comment.

Mr. Merdes stated yes, Mr. Chairman, Thank You.

Mr. Merdes stated this is a new installation for an approved subdivision known as Eagle's West, which is currently under construction and a let me see, it is underground installation with no open cutting of the pavement, Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated Building anything further.

Mr. Hartman stated no comment Mr. Chairman.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone on the Commission, anyone in the audience.

Tony Sandora stated motion to approve.

Robert Stefanik stated second.

Chairman McGrath stated moved and seconded, discussion, Secretary please call the roll.

Roll call: Yeas: Five - Bull, Mayor Luks, Stefanik, Sandora, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated that is approved.

Ms. Fashempour stated that's all she has.

Adjournment

Tony Sandora stated motion to adjourn.

Victor Bull stated second.

Chairman McGrath stated moved, moved and seconded, Secretary please call the roll.

Roll call: Yeas: Five - Stefanik, Sandora, Bull, Mayor Luks, Chairman McGrath. Nays: None. Motion carried.

Chairman McGrath stated we are, we are adjourned.

Planning Commission Meeting for Wednesday, June 15, 2005 adjourned at 8:39 P.M.

Approved: Edward McGrath
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour
Secretary - Planning Commission

Date : July 13, 2005