

Planning Commission Caucus - Wednesday, September 6, 2006 7:12 P.M.

Present: Chairman Edward McGrath, Mayor Cathy Luks, Victor Bull, Vice Chairman Tony Sandora, Council Representative to Planning Commission Don Willey, Thomas P. O'Donnell, Law Director, Rito Alvarez, Building Commissioner, Clark Merdes, P.E., City Engineer, Applicants, Residents, Paula Recker, Member Board of Zoning Appeals, Lisa Uffman Kirsch, Council Ward Six, Robert Nottrodt, John Gazzo and Brenda L. Fashempour, Secretary.

Mr. Alvarez explained his comments on Woodcroft Glen Sign. Property is actually zoned RM-D. Size and dimensions okay.

Planning Commission Agenda discussed.

Public Hearing - No longer required to read Public Hearing Notice, just state for the record there is a notice.

Refer to Regular Order of Business.

Adjournment.

Old Business Items - Columbia Gas #3. New proposal sent in. Remove from table, acknowledge new proposal, re-table.

Columbia Gas #5. Action can be taken this evening.

Honeygirl Bake Shoppe. Write letter asking Applicant intentions, ask Council 90 day extension.

New Business Items - Indian Trail Subdivision, Woodhill Properties, Inc. Lot Split and Consolidation. Move to Subdivision Approval Request, handle the two at the same time.

Cleveland Water Department Stand By Generator. Discussion held regarding what is actually being proposed, have they finished what was approved.

at&t - exactly where is this box going, is it new.

Planning Commission Caucus ended at 7:26 P.M.

Chairman McGrath stated when the little hand is pass 7 and the big hand is past 6 so we are as least pass 7:30 and good to go, we will call this 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, September 6, 2006 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Edward McGrath at 7:36 P.M.

Chairman McGrath stated will the Secretary please call the roll.

Present: Chairman Edward McGrath, Mayor Cathy J. Luks, Tony Sandora, Vice Chairman, Don Willey, Council Representative to Planning Commission, Victor Bull, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

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

Ms. Fashempour stated we have two Public Hearings this evening.

Public Hearing

Ordinance No. 06-111 - An Ordinance amending the Official Zoning Map by changing the Zoning Classification of Permanent Parcel No. 488-08-003 from its present Residential (R1A) Zoning Classification to Local Business (LB) Zoning Classification as requested by Property Owner 138 DTS Properties, LLC, and Declaring an Emergency.

Ms. Fashempour acknowledged that there was a Public Hearing Notice typed and posted and the City's Public Posting Places and also mailed to Property Owners within 500' on August 21st, 2006.

Chairman McGrath stated is there anyone here wishing to be heard on proposed Ordinance 06-111.

Chairman McGrath stated yes Sir, step forward, state your name, step forward, speak into the microphone, state your name, your home address and remember that you are being recorded please.

Bob Killmer, Bob Killmer, and he lives at 4711 Wallings Road, Parcel Number 488-08-1 and his property adjoins the property that you are requesting to turn into a commercial property. Mr. Killmer stated he has numerous questions and he is speaking before he hears exactly what is being proposed, he doesn't know, he heard through the rumor mill, that the reason for this change is a nursing home, if that's true he has no idea. Mr. Killmer stated all he is concerned about is, he, he lives in a property 4 acres of land abuts 285' footage a back of him up to Wallings Road. Mr. Killmer stated our water from say 75' into his property runs right back to Chippewa Creek which is the big controversy about flooding right now, down line, Broadview Heights and Brecksville, now if they are going to propose something there that has a large area of parking and he is sure they are going to dump it right into Chippewa Creek and there is going to be an enormous amount of additional water running east, and then another thing he would like to mention is, per this property, was purchased for around \$300,000.00, the average price of a home in North Royalton and they want to just come in and put an island of commercial property right in the middle of a residential area, he thinks is the most ridiculous thing he has ever heard in his life, he has been here 36 years, he has seen North Royalton make, mistake, after mistake after mistake, Avalon, Turnpike exchange at York Road could have been ours, numerous things, just one after another, blunder, blunder, blunder, is this another one, put a commercial property behind all residential homes, if they are going to do that, make the whole place commercial, you will have twenty some acres there, put a big shopping center in, make it, make some money for the City, what is a bunch of retirees going to do, they don't pay any taxes and they have got minimal wages for people working there, he has to apologize for being upset but it's, it just gulls him to think.

Chairman McGrath stated no, no apology necessary.

Mr. Killmer stated to think that, to think that this City would sell out it's residents to somebody that paid peanuts for some property, let him go on 82 and pay a million and half for commercial property, you want to give him a gift of a million dollars, change it to commercial, but if you are going to change it to commercial you better include everybody up to Wallings Road and not put an island back there, he thinks he has said enough.

Chairman McGrath stated your point is well taken and when we hear what the proposal is as we get to the actual consideration of that Ordinance you will of course have another opportunity to speak again at that point if, if you choose.

Chairman McGrath stated is there anyone else wishing to be heard on 06-111.

Chairman McGrath stated yes Sir.

Resident stated excuse me, now what, now what Ordinance.

Chairman McGrath stated step up to the microphone please, state your name, your home address, speak into the microphone and remember you are being recorded.

Bob Bombalicki, he lives at 11280 Villa Grande. Mr. Bombalicki stated now Chippewa Creek goes through here but basically which Ordinance is it, his, we had the first mailing and we, it disappeared on us, it showed the plot plans and everything else.

Chairman McGrath stated we are talking about 06-111.

Mr. Bombalicki stated okay, so in other words that's the first Ordinance here.

Chairman McGrath stated correct.

Mr. Bombalicki stated okay that's what he wanted to know, okay then we will get back to that later, Thanks.

Chairman McGrath stated Thank You very much, anyone else wishing to be heard, step forward please, state you name, your home address, speak into the microphone and remember you are being recorded.

Laurlee Paukert, 11260 Villa Grande, better.

Chairman McGrath stated better probably, Thank You.

Ms. Pauckett stated okay, she has a few questions.

Chairman McGrath stated this would not be the time for questions because there is no one here to response to them unless they are questions to us.

Ms. Paukert stated yes they are to you.

Chairman McGrath stated okay, Thank You.

Ms. Pauckett stated was this on the Master Plan, when our Master Plan was drawn.

Chairman McGrath stated he will refer that to the Mayor who is more familiar with the Master Plan then he.

Mayor Luks stated Mr. Chairman, a, this rezoning abuts a, a parcel that is currently zoned Local Business and it's adding land to that local business zoned land, to make it a little larger, was it specifically in the Master Plan she doesn't believe that the Master Plan got into that specific detail no.

Ms. Pauckett stated okay, and has some property already been sold, is this a done deal, and it's.

Mayor Luks stated she believes that it has, she believes that the property has already been sold, it's her understanding that it is if she, if she is not mistaken, and Mr. Chairman if she may, this is to combine this parcel to the currently zoned local business parcel for the construction of a skilled nursing facility that would actually bring services to our community that would be something that we, we could use in this community that would serve our residents well, it will employ the equivalent of 120 full time employees which will generate some significant income tax dollars to this Community, it will have treatment facilities for this such as dialysis and other things that we are currently transporting people out of our City to receive those services and it is difficult given the fact that we only two senior vans to get people back and forth for these types of services and this will be available right here in our community, it will include a serenity garden as she understands it but this will all come as the actual proposal comes in front of this Planning Commission and that doesn't really happen until after the consolidation, the people that are proposing to put this in have done these facility elsewhere, they are beautiful, they are state of the art, they don't generate noise, they don't generate a lot of traffic and in, in terms of the water issues, those will have to be addressed according to our Codes for them to receive any kind of approval so hopefully that answers some of your questions.

Ms. Paukert stated isn't there commercial area available other than where they propose to do this.

Mayor Luks stated actually, Wallings Road, that area, it's, you know, that is commercial on the other side of it.

Ms. Paukert stated yes but they are asking for the rezoning.

Mayor Luks stated all the way to State Road, on the other side of that parcel, all the way to State Road is commercial and, and you know that is a main artery leading to one of, one of two main arteries leading from our community to a highway access.

Ms. Paukert stated right.

Mayor Luks stated so it, it presents itself as desirable and suitable for that type of a development, you know, whether or not there were other pieces that were available, she doesn't know, but the, the, the Company that's doing this wanted that and negotiated with those property owners to purchase that property.

Chairman McGrath stated if he may jump in at this point, quite honestly if there is any other person, parcel available, it just doesn't matter, what matters is we are talking about this parcel and you can't say, you can't prevent someone from discussing the sale or rezoning of their parcel even if every other parcel in the community were available, you,

for example, if you choose to want to sell yours no one could say you can't do it because there are other parcels available therefore, no one can tell these people that they can't ask for rezoning, it doesn't mean they automatically get it, but anyone has the right to ask for it.

Ms. Paukert stated so if he doesn't get the rezoning to commercial will he go someone else.

Chairman McGrath stated then he will have to reconsider, he will have to reconsider his option.

Chairman McGrath stated the next person he is going to ask up is the Developer if he is here and this will all be fully discussed when this is referred to the Regular Order of Business but rather than conjecture as to what they might do and when they might to it and how they might do it, he is going to ask if the Developer would spend 90 seconds or two minutes and tell us in a nut shell what this is about so that everyone has a better idea rather than what they hear on the street or in the corner watering hole or beverage store or wherever and maybe if everyone had a better idea of exactly what we are talking about in a 90 second capsule we could better formulate our discussion for when this is referred to the Regular Order of Business.

Ms. Paukert stated has anyone actually gone to this site.

Chairman McGrath stated he believes that several people have gone to the site.

Ms. Paukert stated but not all of you.

Chairman McGrath stated we don't go, we can't travel as a group.

Ms. Paukert stated you don't walk that and see it for what it is.

Chairman McGrath stated that's a, that's an illegal meeting of the Planning Commission if, you have three or more of us together at one time talking about one issue, the Sunshine Law precludes certain things like that from happening so he doesn't know that the others have done nor do they know necessarily what any of us have done.

Ms. Paukert stated she just thought you know it would be, how can you make a decision if you have not seen the property, if you haven't seen the pond that's back there, all the wildlife that's back there, if you haven't seen the the Chippewa Creek Area.

Chairman McGrath stated we hear about the Chippewa Creek almost.

Ms. Paukert stated yeah, we live back there, we get flooded all the time.

Chairman McGrath stated almost, in almost every.

Chairman McGrath stated well as he said, this will be referred to the Regular Order of Business ultimately and he is going to ask the developer if he is in the room, to follow you and share with us in 90 seconds or two minutes what, what exactly is being proposed so that people have a better idea rather than conjecture and supposition.

Ms. Paukert stated okay, she will wait till then.

Chairman McGrath stated Thank You very much, is the developer here.

Chairman McGrath stated is anyone here from the Development Company relative to proposed Ordinance 06-111.

Chairman McGrath stated is the property owner here, okay, is there anyone else wishing to speak on proposed Ordinance 06-111.

Chairman McGrath stated and if you, he is going to ask that if anyone wishes to speak and wants to say something new that hasn't already been said please do so, if you want to just agree with everybody that's been before you please state I agree and state your name, home address and remember you are being recorded.

My name is Sharon Lamcha, she lives at 11270 Villa Grande, she just purchased her home and devastated to know that this is going to go commercial because she is sounding, it's sounding like the Mayor is very convinced that this is a wonderful deal and a very good thing for the community and she doesn't understand how that you can be so sure of a decision when you haven't even heard from the people who are going to be affected by it, it, you are not representing everyone especially the people whose backyard it's going to go into and that's all she had to say.

Chairman McGrath stated good, Thank You very much, is there anyone else wishing to be heard yes Sir, step forward state your name, your home address, speak into the microphone and remember you are being recorded.

Mr. Robert Bombalicki, 11280 Villa Grande. Mr. Bombalicki stated now, as he started out before, the Developer isn't here, the people that own the property aren't here, the Chippewa Creek goes through his yard okay, we had the devastation and the City's probably well aware of what happen behind Avalon where they dumped all their water okay and what he can't understand is when they built Avalon they put this mound of, 10' of dirt above everybody's property line back there, all the way back, now that turned that whole back area into a swamp okay, now the fellow that was adjacent to the property sued the City and won okay for all his devastation that they did to his property okay now, what's going to happen, what's going to happen with this proposal and where are they going to dump all the water and the excess drainage going to this facility, now it would be nice to know when they propose this, if, let's see what their site plans are going to be, let's see what they are going to put up possibly a nursing home is better than 50 homes back there, it's 17 acres okay and Donna the person that sold them the property she is kind of, she really didn't want to sell it but a, things as they are, that's the, that's what they did, that was part of the family deal. Mr. Bombalicki stated it would be nice to know exactly what's going to go on back there being that we are adjacent to the property he would like to know what's going to happen okay, because we get stuck with all the floods, and the water that comes to Villa Grande okay and as our Service Director said, gee, you won't have any traffic on your street when, when they put the blockade up for a working on State Road, we get 80 cars a minute, 80 cars an hour coming down Villa Grande right now, what else are you going to add on to it, it was a nice little dead-end street. Mr. Bombalicki okay, Maple Lane was real smart, there street didn't go through, Lisa Lane it went through to Villa Grande and we have got a mess okay, that's all he has to say right now, Thank You.

Chairman McGrath stated Thank You very much, is there anyone else.

Mayor Luks stated Mr., Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated if she could just comment on some of what's been said. Mayor Luks stated in terms of her thinking this is a good facility or being in favor it, she has met with the property owner as did the Economic Development Director which is common and typical in fact that is his job to meet with new businesses that want to come into the City and she has seen what they have done in other areas, she has seen there facilities, she has seen what they are intending to do in our City, she knows what services it will bring to the City and, and while a resident stated that she is not representing all of the residents, she is trying to do what she feels is in the best interest of the City as a whole. Mayor Luks stated in terms of flooding on Villa Grande, she certainly can understand your concern there and don't blame you for that, she believes that part of the Chippewa Creek used to go where Villa Grande now is and she thinks that is part of the problem however, she will say that the standards that have been adopted in the last couple of years, by this current City Council are the most stringent in terms of storm water control and water runoff that you can find anywhere in this region and so where things may have been done a certain way in the past, they are done differently now with a, a great deal of attention and detail and emphasis placed on water runoff Sir, she understands your unhappiness about the traffic on Villa Grande right now, that's a temporary situation that can't be avoided, people have to be able to get around and it is a public roadway and once the road project is done it will go back to being the way it used to be prior to the project, unfortunately we have to put up with the inconveniences so that in the end we have better roads and a better intersection.

Mr. Bombalicki stated are you going to repave Villa Grande after they get through beating it up.

Mayor Luks stated she will if the income tax passes, she needs the income tax to pass in order to repave anything at this point in time, this City is in dire financial straits because we are a 1% income tax municipality and because we are primarily a bedroom community and it is businesses such as this one that will help offset that burden of tax revenues on a residential tax base and so that is something that we do feel is in the best interest of the Community. Mayor Luks stated as far as wanting to know what's going to be proposed there, you certainly should, she doesn't blame you, you absolutely have every right to, the process is though that initially you do the lot consolidation first and then the project comes in for thorough review in front of this Planning Commission and for public information and comments, so you will certainly will have that opportunity it is just not right now that, that all of the details of the project are discussed, that's not the order in which things are done, Thank You Mr. Chairman.

Chairman McGrath stated Thank You, Thank You Mayor. Chairman McGrath stated is there anyone else wishing to be heard on proposed Ordinance 06-111.

Chairman McGrath stated is there a motion to refer 06-111 to the Regular Order of Business.

So moved Tony Sandora.

Second Victor Bull.

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

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

Chairman McGrath stated it is referred.

Ordinance No. 06-112 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1284 Signs, Section 1284.04 Measurement Standards, Section 1284.05 Design Standards, Section 1284.06 Illumination, Section 1284.13 Permits, and Section 1284.17 Prohibited Signs, and Repealing Section 1284.18 Banners/Pennants in Local and General Business Districts; Permit; Fee, and Declaring an Emergency.

Secretary acknowledged the Public Hearing Notice being typed, it was posted at the City's Public Places on August 21, 2006.

Chairman McGrath stated is there anyone wishing to be heard on 06-112.

Chairman McGrath stated one more time, anyone wishing to be heard on 06-112.

Chairman McGrath stated no one wishing to be heard, is there a motion to refer 06-112 to the Regular Order of Business.

So moved Victor Bull.

Second Don Willey.

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

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

Chairman McGrath stated it is referred.

Adjournment

Chairman McGrath stated is there a motion to adjourn the Public Hearing.

So moved Don Willey

Second Tony Sandora.

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

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

Chairman McGrath stated Public Hearing is adjourned.

Planning Commission Public Hearing for Wednesday, September 6, 2006 adjourned at 7:55 P.M.

Chairman McGrath stated we will now call to order the Regular Meeting of the North Royalton Planning Commission.

The Planning Commission of the City of North Royalton met in the north Royalton Council Chambers, 13834 Ridge Road on **Wednesday, September 6, 2006 in regular session. The meeting was called to order by Chairman Edward McGrath at 7:56 P.M.**

Chairman McGrath stated will the Secretary please call the roll.

Present: Mayor Cathy J. Luks, Don Willey, Council Representative to Planning Commission, Tony Sandora, Vice Chairman, Victor Bull, Chairman Edward McGrath, Rito Alvarez, Building Commissioner, Thomas P. O'Donnell, Law Director, Clark Merdes, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Approval of minutes: July 19, 2006. Ms. Fashempour stated approval of minutes if you so choose, July 19th, 2006. Chairman McGrath stated is there a motion to approve. So moved Mayor Luks. Second Don Willey. Chairman McGrath stated moved and second, any discussion, Secretary please call the roll. Roll call: Yeas: Five - Mayor Luks, Willey, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried. Chairman McGrath stated they are approved.

Old Business:

Recreation Allocation - **Abbeyville Townhouses**, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning, submitted to the City of North Royalton and that it be approved by the Commission pursuant to Section 1246.08 Allocation of Areas for Public Use (b) although less than the minimum area required by Section 1246.08 Allocation of Areas for Public Use (b) is to be dedicated to the City for public park or recreational uses - Approval. Tabled.

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

Abbeyville Townhouses, Hinckley Ridge Ltd., Laurie Pribish, 11349 Abbey Road, PPN 481-27-021, RM-D Zoning. Preliminary Plan Approval for 38 Townhouses. Tabled.

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

Columbia Gas of Ohio plans to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive South, Berkshire Way and Bentley Drive - Approval. Tabled.

Ms. Fashempour stated it is tabled, she believes we did receive a new letter from Columbia Gas that the City Engineer would like to discuss with you, so if we can, she needs a motion to remove it from the table.

Tony Sandora stated motion to remove.

Don Willey stated second.

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

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

Chairman McGrath stated and Mr. Merdes please.

Mr. Merdes stated Thank You Mr. Chairman. Mr. Merdes stated he is going to read from the letter that we received from Columbia Gas and it says we plan to install 2560' of 3" and 520' of 2" new plastic distribution main on Glen Drive South, Berkshire Way and Bentley Drive in North Royalton Ohio, wetlands shall be crossed using directional bore practices that minimize sedimentation into the wetlands and allows drainage patterns to remain unchanged, Miller Pipeline Corporation will do the work and construction will begin within the near future. Mr. Merdes stated this addresses a previous concern of his that he had in relationship to what they had previously submitted, didn't really acknowledge the existence of the wetlands and didn't discuss how they were going to get from one side of the wetland to the other. Mr. Merdes stated and he is satisfied with, that this letter does address the issues, being that said, he would ask the Planning Commission to now re-table this pending the a this phase of the subdivision being approved by the Engineering Department.

Chairman McGrath stated is there a motion to table.

Tony Sandora stated motion to table.

Chairman McGrath stated second.

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

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

Chairman McGrath stated it is tabled.

Columbia Gas of Ohio plans to install 1080' of 3" and 1800' of 2" new plastic distribution main on Bentley Drive, Richland Drive and Yorkshire Way - Approval. Tabled.

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

Columbia Gas of Ohio plans to install 1620' of 3" and 540' of 2" new plastic distribution main on Bentley Drive and Coventry Court - Approval. Tabled.

Ms. Fashempour stated she believes that the construction plans have been signed, so if you so choose she needs a motion to remove it from the tabled.

So moved Chairman McGrath.

Second Tony Sandora.

Chairman McGrath stated moved and seconded, any discussion, to the Engineer are you okay with this.

Ms. Fashempour stated she needs a roll call.

Chairman McGrath stated pardon, he is sorry, take the roll please.

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

Ms. Fashempour stated okay, sorry.

Chairman McGrath stated to the Engineer please.

Mr. Merdes stated Thank You Mr. Chairman, this application is for development plans that have been approved on August 25, 2006 and he had previously just noted that we should table this approval pending that action now being done, he would recommend approval.

Chairman McGrath stated on the 1620' and 540' right.

Mr. Merdes stated correct.

Chairman McGrath stated okay, that being said, any other discussion.

Tony Sandora stated motion to approve.

Mayor Luks stated second.

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

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

Chairman McGrath stated that is approved.

River's Edge Properties, **Rivers Edge Subdivision**, PPN 485-12-006 and PPN 485-11-001, Bennett Road, Rural Residential Zoning. Sketch Plan Approval. Tabled.

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

Honeygirl Bake Shoppe, Inc., 5895 Royalton Road, Town Center District - 2. Sign Approval.

Ms. Fashempour stated it is also tabled, there will be no action, she is going to request from Council to Planning Commission though a ninety day time extension please.

So moved Tony Sandora.

Mayor Luks stated second.

Chairman McGrath stated moved and seconded, in granting the ninety day extension, he will ask the Secretary to please notify Honeygirl that we have granted a ninety day extension and to ask them to timely come forward and tell us what it is that they intend to do.

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

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

Chairman McGrath stated that is approved.

Worthington - Ryan Homes - Abbey/Royalton LLC. - Laurie Pribish. Worthington Way and Abbey Road, R1-B Zoning. Temporary Entrance Sign Approval. Tabled.

Ms. Fashempour stated it is tabled, the Applicant did go before the Board of Zoning Appeals and did receive his variances, is the Applicant here this evening, Applicant is here, if you so choose, she needs a motion to remove it from the table.

Tony Sandora stated motion to remove from the tabled.

Victor Bull stated second.

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

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

Chairman McGrath stated the Applicant step forward please, share with us what you will.

My name is Steve Lacinski, address is 7756 Oakhill Road, North Royalton. Mr. Lacinski stated basically what we are proposing is a 4 x 8 temporary sign to be placed in front of our Worthington Subdivision, off of Abbey Road as part of obviously marketing scheme and also to get traffic for potential homeowners to come into our subdivision to view and hopefully purchase our product so, it is basically the same sign if you have driven down Abbey Road, you have probably seen our Glen Abbey Subdivision very similar sign, we also had a similar sign at The Trails Subdivision on Valley Parkway about a year or so back, it's basically what we are known for it's like a trademark of our communities and it's part of our advertising campaign, we went before the BZA and ARB and presented our case and they gave us an okay for that also, so that's why we are here.

Chairman McGrath stated Thank You.

Chairman McGrath stated anything, anyone else wishing to be heard.

Chairman McGrath stated anyone on the Commission any questions.

Chairman McGrath stated to the Building commissioner anything.

Mr. Alvarez stated no comment.

Chairman McGrath stated Thank You, to the Engineer anything.

Mr. Merdes stated we had previously discussed that the sanitary, storm and water service utilities would be properly addressed and he would recommend that we, that our approval include that, that previous discussion.

Chairman McGrath stated okay.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora please.

Tony Sandora stated he will make a motion to approve the temporary sign for Worthington, Ryan Homes with the conditions that the sanitary and storm sewer a, a, risers will have a bronze cap on them and also that this, this entrance sign be, this entrance sign will the a, will run concurrently with the Conditional Use Permit.

Chairman McGrath stated Thank You.

Chairman McGrath stated that is a motion.

Tony Sandora stated that's a motion

Victor Bull stated second.

Chairman McGrath stated it's been moved and seconded, Secretary please call the roll.

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

Chairman McGrath stated that has been approved, the amendment has been approved, is that a motion approving as amended or is that a motion.

Tony Sandora stated it's a motion to approve.

Chairman McGrath stated to approve with those provisions.

Ms. Fashempour stated with that.

Tony Sandora stated with those provisions.

Chairman McGrath stated Thank You, that is approved then with those stipulations.

Mr. Lacinski stated okay, Thank You very much, is there another step excuse me.

Ms. Fashempour stated come in and get your building permit.

Mr. Lacinski stated come and get the permit, all right, Thank You very much.

Chairman McGrath stated Thank You.

New Business:

Ordinances

Ordinance No. 06-111 - An Ordinance amending the Official Zoning Map by changing the Zoning Classification of Permanent Parcel No. 488-08-003 from its present Residential (R1A) Zoning Classification to Local Business (LB) Zoning Classification as requested by Property Owner 138 DTS Properties, LLC, and Declaring an Emergency.

Chairman McGrath stated is the Applicant or their Representative here. Chairman McGrath stated one more time, is the Applicant or their Representative here.

Mayor Luks stated Mr. Chairman in light of the fact that the Applicant or a Representative is not here, she does not believe that this Planning Commission can very well take action on this tonight.

Chairman McGrath stated he agrees.

Mayor Luks stated she does agree that there should be some level of understanding as least conceptually of what's being proposed here and that the Applicant should be here to present that information and therefore, certainly if the Planning Commission wants to discuss this further that's fine but ultimately she would recommend that we table this, this evening.

Chairman McGrath stated if that is a motion to table he would, he would second it.

Mayor Luks stated she would be happy to make that a motion if no one else wants to have any discussion.

Chairman McGrath stated you move, he second, it is tabled, Secretary please call the roll.

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

Chairman McGrath stated that is tabled.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated if she may, to the Residents that are here who have an interest in this project, you will not continue to receive 500' notices, so what she would suggest to you if you want to follow this issue is to be give a call to the Planning Commission Secretary which is Brenda at 582-3001 ask that you be notified when this item is coming back in front of us.

Mr. Bombalicki stated can we have that telephone number again.

Mayor Luks stated 582-3001, give your, that's Brenda who is right here, the Planning Commission Secretary, notify her that you would like to be notified when this matter is coming back so that you are here when the Applicant is here.

Mr. Bombalicki stated Thank You.

Mayor Luks stated okay, Thank You.

Chairman McGrath stated Thank You folks and there will be no further discussion of that issue this evening.

Ordinance No. 06-112 - An Ordinance amending the Codified Ordinances of the City of North Royalton, Part Twelve Planning and Zoning Code, Chapter 1284 Signs, Section 1284.04 Measurement Standards, Section 1284.05 Design Standards, Section 1248.06 Illumination, Section 1284.13 Permits, and Section 1284.17 Prohibited Signs, and Repealing Section 1284.13 Banners/Pennants in Local and General Business Districts; Permit; Fee, and Declaring an Emergency.

Chairman McGrath stated we will start with the Building, is there anyone in the audience wishing to be heard further on 06-112. Chairman McGrath stated Building Commissioner are there any comments regarding 06-112.

Mr. Alvarez stated no comments, he has no comment Mr. Chairman.

Chairman McGrath stated Thank You, to the Engineer any comments regarding 06-112, proposed 06-112.

Mr. Merdes stated Thank You Mr. Chairman, no comments.

Chairman McGrath stated Thank You.

Chairman McGrath stated Fire Department had no comments.

Chairman McGrath stated anyone on the Commission, comments, questions, motions.

Mayor Luks stated Mr. Chairman she moves to approve.

Don Willey stated second.

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

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

Chairman McGrath stated proposed Ordinance 06-112 has been recommended for approval.

Chairman McGrath stated proposed Ordinance 06-114.

Ordinance No. 06-114 - An Ordinance amending Ordinance 06-113 which established an Interim Development Control District (IDC) NO. 3, as an Overlay District for a period of Four (4) Months pursuant to Chapter 1268 of the Codified Ordinances of the City of North Royalton by extending IDC No. 3 for an additional eight (8) months pursuant to Section 1268.07(e), and Declaring an Emergency.

Chairman McGrath stated is there anyone, to the Building Commissioner any comments on proposed 06-114.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineer, comments.

Mr. Merdes stated Thank You Mr. Chairman, no comments.

Chairman McGrath stated Fire Department.

Tony Sandora stated no.

Chairman McGrath stated no comments.

Chairman McGrath stated anyone in the audience wishing to comment.

Chairman McGrath stated anyone on the Commission, questions, comments, motions.

Don Willey stated motion to approve.

Tony Sandora stated second.

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

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

Chairman McGrath stated proposed Ordinance 114 has been recommended for approval.

Lot Split/Consolidation

Indian Trails Subdivision, Woodhill Properties, Inc., Abbey Road, PPN 481-26-001, 11090 Abbey Road, R1-A Zoning. Lot Split and Consolidation.

Ms. Fashempour stated the Lot Split and Consolidation for Indian Trails Subdivision, Woodhill Properties, Inc., is going to be moved to E, under Subdivision Approval so we are going to skip that.

St. Paul's Greek Orthodox Church, 4548 Wallings Road, PPN 489-20-001, 003, 007, 012 & 013, R1-A and PF Zoning. Lot Split and Consolidation.

Chairman McGrath stated is there anyone here in the audience wishing to be heard on that proposed split, is the applicant here, step forward please state your name, your home address, speak into the microphone and share with us what you will.

My name is Jeff Jardine, he is from the Riverstone Company, Land Surveying and Engineering we did the lot split for this, the Company address 2618 North Moreland Blvd., Cleveland. Mr. Jardine stated what it is, is simply a, a it is combining all the lots that belong to St. Paul Greek Orthodox Church and splitting off the two parcels in the front which currently have homes on them simply for ease of keeping their books and records.

Chairman McGrath stated Thank You.

Chairman McGrath stated Building Commissioner anything.

Mr. Alvarez stated no comment Mr. Chairman.

Chairman McGrath stated Engineer anything.

Mr. Merdes stated Thank You Mr. Chairman, no comments.

Chairman McGrath stated anyone in the audience anything else, anyone on the Commission, questions.

Don Willey stated just one clarification, point of clarification, so you are proposing the consolidation in order to have, what you will have there is one large parcel correct.

Mr. Jardine stated yes, there will be one large parcel that houses the Church and there is two smaller parcels that contain the existing houses.

Don Willey stated okay, are, are these currently zoned residential, public facility, non-profit, are you paying taxes on these right now.

Mr. Jardine stated that he is not aware of.

Don Willey stated so the parcels behind the homes a, behind parcel A and B and subplot 3 according to this.

Mr. Jardine stated those will probably be zoned residential as they are currently, the two currently house the houses.

Don Willey stated to they are currently paying real estate property tax on these correct.

Mr. Jardine stated he would think so.

Don Willey stated and the land behind that you are proposing consolidating or do you know that answer.

Mr. Jardine stated he does not know the answer.

Don Willey stated Thanks.

Chairman McGrath stated the two lots that have homes on them are currently owned by the Church.

Mr. Jardine stated yes that is correct.

Chairman McGrath stated and they will continue to be owned by the Church.

Mr. Jardine stated yes.

Chairman McGrath stated and occupied residentially.

Mr. Jardine stated he knows that the houses will remain, he imagines residentially, he doesn't know if they are going to be at least renting them out or if parishioners will be living there.

Chairman McGrath stated but their usage is not going to change.

Mr. Jardine stated no, those, those houses will remain.

Chairman McGrath stated and you don't know their tax status today verses their tax status if this were approved.

Mr. Jardine stated he does not know no.

Chairman McGrath stated Thank You.

Chairman McGrath stated but the ownership will remain constant both lots.

Mr. Jardine stated yes the ownership will remain with the Greek Orthodox Church.

Chairman McGrath stated he has no other questions.

Tony Sandora stated motion to approve.

Chairman McGrath stated anyone in the audience, anyone else wishing to be heard.

Chairman McGrath stated Thank You.

Okay, Bob Killmer, 4711 Wallings Road again.

Chairman McGrath stated and where are you Sir in relation to the Church just so we know.

Mr. Killmer stated this is the Church, his property again is right across the street from these two homes.

Chairman McGrath stated that was his question, where are you in relation, where is your property in relation.

Mr. Killmer stated right across the street.

Chairman McGrath stated Thank You.

Mr. Killmer stated both of these homes are owned by the Church and they have had rental signs, signs on them for months now and both of them are occupied right now with rentals and if the question was, and he doesn't know if it was answered correctly, but, but there are people living in both of those homes right now and they should be paying taxes and not be exempt because the property is what they are going to rezoned not the right is that correct is that what he is understanding.

Tony Sandora stated that's correct.

Chairman McGrath stated that was the same question we were asking too.

Mr. Killmer stated they mention two parcels, there is actually three there.

Chairman McGrath stated but we are only discussing two.

Mr. Killmer stated okay so one of them is going to stay residential and the vacant one.

Chairman McGrath stated one is going to stay however it is because that's not under discussion right now.

Mr. Killmer stated okay, okay, just so he understands what's going on there.

Chairman McGrath stated Thank You.

Mr. O'Donnell stated Mr., Mr. Chairman.

Chairman McGrath stated Mr. O'Donnell.

Mr. O'Donnell stated with regard to the taxes on those properties, if he understands this correctly, those two residential parcels still may be taxable, he hasn't research it, but it certainly would be easier to make them taxable now that they are split off and separate parcels.

Chairman McGrath stated Thank You.

Mr. O'Donnell stated the only other question he had is do those two residential lots have any unusual drainage, sanitary or storm plans that would require easements anywhere, does the Engineer know because we have run into odd situations where lots have been split off and we have found out later that there was a septic tank with a drainage field somewhere going across somebody's property and he just wants to make certain that there is not unusual conditions like that on those two parcels, if there is an easement required he would certainly want to require an easements.

Mr. Jardine stated at this time.

Chairman McGrath stated Sir, you will need to come back to the microphone please.

Mr. Jardine stated very well.

Chairman McGrath stated only so that the tape can pick up your comments.

Mr. Jardine stated at this time there is no known easements or need for an easement for the existing utilities to the houses.

Chairman McGrath stated to the Engineer, while we are pondering the response, any, anything that you are aware of in that area that we should be aware of please.

Mr. Merdes stated Thank You Mr. Chairman, he is not aware of any encroaches either in this area.

Chairman McGrath stated Thank You.

Chairman McGrath stated or drainage issues or.

Mr. Merdes stated not such as the Law Director was, was.

Chairman McGrath stated referring to.

Mr. Merdes stated eluding, yeah referring to.

Mr. O'Donnell stated are these on septic or City sanitary.

Mr. Jardine stated he believes that would be City sanitary.

Mr. O'Donnell stated then it probably is not viable.

Chairman McGrath stated to the Building Commissioner are there any known problems with either of these properties that you are aware of.

Mr. Alvarez stated he, Mr. Chairman, he is not aware of any.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else in the audience any questions, anyone on the Commission any further questions.

Mayor Luks stated Mr. Chairman, she believes you have someone in the audience.

Chairman McGrath stated Thank You, step forward, state your name, your home address, speak into the microphone and remember you are being recorded.

Good Evening my name is John Trihas, he lives in Strongsville but he is a parishioner at St. Paul's.

Chairman McGrath stated your home address in Strongsville Sir.

Mr. Trihas stated 17868 Lyon Lane.

Chairman McGrath stated okay, Thank You.

Mr. Trihas stated just to answer a couple of questions, yes there, those properties are being taxed currently, he did receive a notice and they are not on septic.

Chairman McGrath stated and you are speaking on what capacity, other than as a parishioner.

Mr. Trihas stated he is part of the parish counsel for St. Paul's.

Chairman McGrath stated Thank You.

Mr. Trihas stated Thank You.

Mr. Trihas stated so the, yes, we are receiving tax notices and we are paying tax on the properties as well as, we are not aware of any septic, excuse me, they are, they are sewer related.

Chairman McGrath stated Thank You.

Mr. Trihas stated okay.

Chairman McGrath stated that has been most helpful.

Chairman McGrath stated any other questions, comments, motions.

Tony Sandora stated motion to approve.

Mayor Luks stated second.

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

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

Chairman McGrath stated motion is approved.

Sign Approval

Mike Adams Fitness, 11907 Royalton Road, General Industrial Zoning.
Sign Approval.

Chairman McGrath stated is the Applicant or his Representative here.

Hi, Mike Adams, 11907 Royalton Road.

Chairman McGrath stated share with us what you will.

Mr. Adams stated he just wants his sign approved.

Laughs.

Chairman McGrath stated pretty simple.

Mr. Adams stated yeah.

Mayor Luks stated that's all uh.

Chairman McGrath stated hopefully we can do it that easily.

Chairman McGrath stated he is going to refer first to the Building Commissioner and see his comment and then we will refer to the Engineer please.

Mr. Alvarez stated Thank You Mr. Chairman. Mr. Alvarez stated the sign is 4' x 4'8, approximately 18.7 square feet, which is less than the maximum allowable for our ground sign section 1284.11 c, he does show the setbacks of the sign 30' from the edge and that, that meets Code which is greater than 25'. Mr. Alvarez stated the question he has is the height, the overall height of the sign, what, you are allowed up to 7' and he presumes this is not higher than 7'.

Mr. Adams stated no it's not.

Mr. Alvarez stated do you have an idea of what it is or.

Mr. Adams stated no he is sorry he doesn't.

Mr. Alvarez stated is it 5', he is 5'.

Mr. Adams stated it's about as tall as him 6'.

Mr. Alvarez stated because you are 6'.

Mr. Adams stated yeah.

Mr. Alvarez stated okay, if it's less than 7' which you are he believes, then it will be in compliance with the height.

Mr. Adams stated okay.

Mr. Alvarez stated the only other question would be the a, the short poles or columns do not exceed 25% of the total sign height, in other words that the clearance underneath the height itself.

Mr. Alvarez stated so, if he presumes it is 6' that we have a clearance like 1.5'.

Mr. Adams stated yes.

Mr. Alvarez stated is that pretty much what is there.

Mr. Adams stated that's about right yeah.

Mr. Alvarez stated short of actually going out there and measuring he, he has no more comments, recommend approval.

Chairman McGrath stated Thank You, to the Engineer please.

Mr. Merdes stated Thank You. Mr. Merdes stated on your application you show 30' from what's labeled Route 82.

Mr. Adams stated right.

Mr. Merdes stated the road or the right of way of Route 82.

Mr. Adams stated the, the grass goes all the way out to the road so, he doesn't know, is that, the right lane going.

Chairman McGrath stated where the 30' is measured from, from the center of the road or the edge of the grass.

Mr. Adams stated he is sorry, from the, from the edge of the grass.

Chairman McGrath stated so you are 30' back from the edge of the grass.

Mr. Adams stated yes, he actually put it right where the other sign was, right where those poles were.

Chairman McGrath stated put it means past tense, do you mean it's ready up.

Mr. Adams stated this, this, this sign that was there trying to vacant the building, the rental sign.

Chairman McGrath stated okay, Thank You.

Chairman McGrath stated who is doing your sign work Sir.

Mr. Adams stated a friend of the family.

Chairman McGrath stated and that is who Sir.

Mr. Adams stated what his name is.

Chairman McGrath stated yeah.

Mr. Adams stated his name was his name is John Hudak.

Chairman McGrath stated okay and he is familiar with the City Codes requirements and things like that.

Mr. Adams stated he believes he was yeah.

Tony Sandora stated Mr. Chairman.

Chairman McGrath stated Mr. Sandora.

Tony Sandora stated he will make a motion to approve the sign on the condition that it meets all the compliance of the Building Department when he goes down for his building permit.

Chairman McGrath stated he will second that.

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

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

Chairman McGrath stated approval granted as specified.

Mr. Adams stated all right Thank You.

Chairman McGrath stated Good Luck to you.

Mayor Luks stated Mr. Chairman, excuse me, to the Applicant, just so, so were clear with you.

Mr. Adams stated yes.

Mayor Luks stated you received a copy of the Building Commissioner's comments regarding your sign.

Mr. Adams stated yes, he does, he has it.

Mayor Luks stated okay then you can give that to the person doing your sign so that they make certain that those items are, are complied with before he comes in to get the permit he needs to establish that.

Mr. Adams stated okay.

Mayor Luks stated okay.

Mr. Adams stated okay.

Mayor Luks stated all right.

Mr. Adams stated and will you let me know when he needs to do that or.

Chairman McGrath stated that's up to you, tomorrow morning.

Mr. Adams stated okay.

Mayor Luks stated whenever you want to.

Chairman McGrath stated if you, whenever your ready.

Mayor Luks stated go into the Building Department to get you permit.

Mr. Adams stated okay.

Ms. Fashempour stated you have to, you have to go to the Architectural Review Board next Monday.

Mayor Luks stated first.

Mr. Adams stated next Monday.

Chairman McGrath stated you call Brenda tomorrow morning, she can fill you in on what you need to do and when you need to do it.

Mr. Adams stated okay he will just come in and see tomorrow.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr., Mr. Willey please.

Don Willey stated that sign is already erected correct.

Mr. Adams stated yes.

Don Willey stated okay so you know based on the specifications you should go out and measure before you go down and get the permit but should have gotten the permit before you erected the sign.

Mr. Adams stated he knows, see, what, what happened was, they just went ahead and did it and he wasn't there and he didn't know anything about it, so he apologizes for that but.

Don Willey stated okay.

Chairman McGrath stated they were on your property without your knowledge or consent.

Mr. Adams stated yeah.

Chairman McGrath stated yeah, all right.

Mr. Adams stated it was, all right.

Chairman McGrath stated Thank You.

Mr. Adams stated okay Thank You.

Chairman McGrath stated Good Luck to you.

Mr. Adams stated Thank You.

Woodcroft Glen, Royalton Road, RM-D Zoning. Temporary Sign Approval.

Chairman McGrath stated is the Applicant or their Representative here.

Representative stated yes.

Chairman McGrath stated step forward please and share what you will.

Chris Kutz, representing Woodcroft Glen, 14300 Ridge Road. Mr. Kutz stated seeking temporary subdivision sign to advertise Woodcroft Glen to potential home buyers.

Chairman McGrath stated to the Building Commissioner anything please.

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated the overall sign is 64 square feet and in his comments he inadvertently cited the wrong section of the Code which deals with business areas, this is in a residential multi-family district, the appropriate section is 1284.07(e) which allows up to a maximum of 100 square feet for a temporary sign, given that the, the overall sign area is within the allowable because it is temporary, permits for such signs shall be for a period of not to exceed one year and such permits may be renewed while construction is proceeding diligently and that's also in that same section 1284.07(e). Mr. Alvarez stated the third comment his site plan really should have indicated the setback dimension and we had a little discussion this afternoon concerning actually putting down the dimensions of the setback for the sign so he, his understand it is what 30'.

Mr. Kutz stated it is 30' and he produced several copies of that plan.

Mr. Alvarez stated if, if that being the case that would meet our Code for setback requirements.

Chairman McGrath stated good, Thank You.

Chairman McGrath stated to the Engineer please.

Mr. Merdes stated his comments have been addressed by the Building Commissioner and the Applicant.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else in the audience, anything, anyone else on the panel anything.

Tony Sandora stated Mr. Chairman, make a motion to approve a temporary sign for Woodcroft Glen with an expiration date of one year which would be nine of September 1st, 2007, September 6, 07.

Chairman McGrath stated is there a second.

Don Willey stated second.

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

Ms. Fashempour stated what's the date September 1st or September 6th.

Tony Sandora stated September, September 1st, 07.

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

Chairman McGrath stated that is approved, Good Luck to you.

Mr. Kutz stated Thank You.

Chairman McGrath stated Thank You.

French Quarter Café, 5540 Wallings Road, Local Business Zoning. Sign Approval.

Chairman McGrath stated ask you to remove your hat Sir please.

Applicant stated no problem, sorry.

Christopher Davis, Owner of French Quarter Café, looking to seek approval for a face plate change on a existing sign, he also has along with him Brian Becker from the Sign Company as well.

Brian Becker, 4174 Wheatley Road, Richfield, Ohio.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Building Commissioner please

Mr. Alvarez stated Thank You Mr. Chairman.

Mr. Alvarez stated overall sign of 2'10 by 7'5, approximately area of 16.5 square feet, this sign is a roof sign and again it is prohibited under section 1284.17 h, he realizes there was at one time another sign up there, so he is going to leave that up to the discretion of the Planning Commission.

Don Willey stated a variance yes.

Mr. Alvarez stated he is strictly citing the Code in terms of if you are going to put something new up.

Mr. Davis stated sure.

Mr. Alvarez stated the other issue we have is an existing panel on the ground sign it being replaced by 2' x 10'.

Mr. Davis stated um uh, correct.

Mr. Alvarez stated so this is just simply a replacement then, and he doesn't have any problems there but by Code, he recommends that approval at this time.

Chairman McGrath stated Thank You.

Chairman McGrath stated to the Engineer please.

Mr. Merdes stated Thank You Mr. Chairman, no comments.

Chairman McGrath stated no comments, anyone in the audience anything please.

Chairman McGrath stated anyone on the Commission anything please.

Don Willey stated Mr. Chairman.

Chairman McGrath stated Mr. Willey.

Don Willey stated he makes a motion to approve based on that it's a replacement from a prior named Café over there.

Tony Sandora stated second.

Chairman McGrath stated it's moved and seconded, it is a difficult location and he wishes you well.

Mr. Davis stated appreciate that, Thank You.

Chairman McGrath stated excellent reviews in today's Plain Dealer.

Mr. Davis stated yeah, Thank You.

Chairman McGrath stated congratulations.

Mr. Davis stated he appreciates that.

Chairman McGrath stated any other comment.

Mr. Becker stated excuse me, if he might ask a question, real quickly, the definition in the regulations define a roof sign as a being a sign which is mounted to a roof top deck which this one is not and or, which is wholly dependent on a building for support which, which projects above the point of the building or the flat roof, this one does not.

Chairman McGrath stated do you really want to start that discussion here, right, now.

Mr. Becker stated no.

Chairman McGrath stated when we are starting to approve, when we are voting on approval.

Mr. Becker stated he just, he just wanted to understand.

Chairman McGrath stated do you really want to start down that road.

Laughs.

Mr. Becker stated no, he retracts the comment.

Chairman McGrath stated okay, is there any other discussion, Secretary please call the roll.

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

Chairman McGrath stated Good Luck to you.

Mr. Davis stated Thank You, appreciate it.

Mr. Becker stated Thank You.

New Gum Do, 5755 Royalton Road, Town Center District - 2. Sign Approval.

Hello everybody, he is Dan Linder, Attorney for Chuck Chin for the of the New Gum Do, his address is 8650 Peppermill Run, Chagrin Falls, Ohio and this is Chuck Chin.

Mr. Chin stated 4680 Lisa Lane.

Chairman McGrath stated Thank You Gentleman.

Mr. Linder stated as, as you all might recall Mr. Chin's restaurant was one of the properties affected by the road widening on, on Route 82 and the preexisting, the sign that preexisted the road widening actually was located within the right of way between the two entrance ways of to the property and since the road was widen, putting the sign back between those two entranceways which is where theoretically would be ideal would in affect cut off much of his parking lot, because it is no longer large enough and he had from what he understands talking to him and as well speaking to Mr. O'Donnell is he had once come before you asking to put the sign towards the eastern corner of the property, it could not comply with the 25' setback as many of the signs along there don't and can't for other properties, he was told he could not put it along the eastern boundary because they there was a concern about what the State Farm Insurance Agent would do, they didn't want two street signs being side by side so they block each other out, turns out the State Farm Agent didn't but a street side at all, they put a building sign and Mr. Chin presently has a temporary sign although it's he guessed it's permanent but temporary affixed on the western corner, he is trying to be politically correct.

Chairman McGrath stated temporary permanent.

Mr. Linder stated temporarily permanent.

Mr. Linder stated permanent electrical line, temporary pretty much everything else, on the western corner of the property which is presently almost up against a sewer drain, pinned behind an electrical

pole and it turns out that with the road widening a lot of water is accumulating, and it accumulates not only in the road but up where the signs at presently. Mr. Linder stated the only other location where it feasibly could go is now on that eastern corner, he saw the comments by the Engineer and Planning and or Building Commissioner, the sign as drawn, it will be 7' tall, it's 8' wide, the sign itself is 4' tall but it will be 7' off the ground, Mr. Chin is planning on putting it 8' back from the sidewalk and 8' from the property line, it's a small corner in which this thing can be placed, it would be permanently affixed with the brick as drawn and landscaped and so he is asking for you to reconsider in previous discussion and to approve this plan as submitted based on the fact that the State Farm Agency did not in fact put a street sign, anything to add Chuck.

Mr. Chin stated yeah at the first and second and third meeting over here we asked the Committee to reconsider, we like the east bound, that's the only location, it's not on the way right now in the existing location every time the storm, it's, his front yard is like a swimming pool, you know, he could, every time they, the rain they have to call because they are blocking the road, the disabled cars blocking there to so he hopes we, we want to go back to the eastern east bound because State Farm she no longer needs that corner.

Chairman McGrath stated to the Building Commissioner anything please.

Mr. Alvarez stated Thank You Mr. Chairman, his question really was comments that when you submitted the site plan you really didn't put any dimensions where exactly it would be located other than that little highlight, which is not acceptable.

Mr. Linder stated agreed, agreed but, but for the purpose of this meeting, he has asked him to submit that it would be 8' by 8' from, from the sidewalk line and from the property line on the east.

Mr. Alvarez stated a.

Mr. O'Donnell stated Mr., Mr. Chairman.

Chairman McGrath stated Mr. O'Donnell please.

Mr. O'Donnell stated is this going to be in the easement.

Mr. Linder stated no.

Mr. Chin stated no.

Mr. O'Donnell stated so it's going to be outside the existing easement for the storm and there is a sanitary easement he thinks over there as well if he is reading the plan correct, just as long as it's not inside the easement.

Mr. Linder stated yeah, he understands.

Mr. O'Donnell stated that might be a question better suited for the Engineer.

Discussion took place between Mr. Chin and Mr. Linder.

Discussion took place between Mayor Luks, Mr. Merdes and Mr. O'Donnell.

Chairman McGrath stated to the Engineer please.

Mr. Merdes stated in order for him to properly review since he doesn't bring the Code book with him to meeting and he doesn't have memorize our previous discussions, he would like to see this application revised with what your proposing so that it can be properly reviewed and certainly that was the case, we weren't capable of doing that, he was not capable of doing that with the application that had been submitted he, you know the largest question he had was answered that this is a reconsideration of, of our approval from, from previous although even the application didn't indicate that, that the one sign would be, that there would be one sign or two signs so he he guessed he can't, he can't make a recommendation tonight just based on discussion.

Chairman McGrath stated and we feel that, that is not unreasonable there have been many discussions as he is sure you are aware and meeting at the property and there is a whole history that has brought us to this point, this meeting and he believes everyone on the Commission and those who advise and Counsel us would feel better having a concrete proposal correctly drawn and properly that answers the questions that have been raised in front of us before we cast a vote.

Mr. Linder stated and, and, and, and he understands that Mr., Mr. Chin submitted this drawing himself and then he volunteered to come along this evening but, but, he guessed with respect to that though, he would point out that there was a previous plan put in with respect to where the sign is presently placed which which was created by actually by the City, by, by City officials and it was far, with much less detail than this, um, as far as the stipulation as to location, a, he doesn't know what more information the Planning Commission is looking for right now that isn't provided on.

Chairman McGrath stated the Planning Commission is looking for an absolute, a specific answer to the questions raised by the Building Commissioner and the Engineer relative to the specific size, height, location of the sign and we are asking for it, bring it back two weeks, in the next meeting, he means, it's been a year and half we have been with this already what's two more weeks so we can do this correctly, so we have the information in front of us to do it correctly.

Mr. Linder stated okay understood.

Chairman McGrath stated Thank You.

Mr. Linder stated Thank You.

Mr. Chin stated Chairman, the height is the, he sees, the a, above 7' about the sidewalk, you know the application says 7'.

Chairman McGrath stated he understands, Thank You.

Mr. Chin stated about the sidewalk, so right now they are a little about, okay.

Chairman McGrath stated Thank You very much.

Mr. Linder stated Thank You.

Chairman McGrath stated Thank you, Good Luck, we will see you in two weeks.

Mr. Chin stated all right.

Chairman McGrath stated is there a motion to table.

So moved Don Willey.

Second Tony Sandora.

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

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

Chairman McGrath stated we are tabled, Thanks.

Site Plan Approval

Cleveland Water Department Stand-By Generator Unit Project, 15980 Ridge Road, Revised Scope of Work originally proposed and approved.

Chairman McGrath stated is the Applicant or their Representative here, Thank You.

Chairman McGrath stated step forward state your name and share with us what you will please.

My name is Alex Margevicius, he lives at 6035 Brookside Drive in the City of Cleveland, he is the Assistant Commissioner of the Engineering Section at the Cleveland Division of Water, also with him are Ghassan Ali our Project Manager and Tim Kaput who is the Project Engineer with our Design Builders of the Generator Project.

Chairman McGrath stated and does his memory serve him correctly was it you that was before us about a year or so ago.

Mr. Margevicius stated that's correct Mr. Chairman.

Chairman McGrath stated Thank You.

Mr. Margevicius stated and Mr. Chairman, Commission Members and Mayor, Thank You so much for the chance to be here again tonight, we are here to propose a few changes to the back up generator project. Mr. Margevicius stated first he thinks he is very happy to report that the Generators themselves have been successfully installed, we have run those units three times now and we can now successfully run the North Royalton Pump station without electric supply from First Energy so that's a very successful accomplishment.

Mr. Margevicius stated regarding noise, which has been a major concern, in the three times that we have run the generators we have gotten no complaints about noise from the generators themselves. Mr. Margevicius stated there was also concern about noise that was generated from the First Energy Transformers that are on site there, we have since put sound enclosures around there and the sound is now less from those generators from that point of view, the, the site is less noisy than what it was before, we just found out today some the residents may still have concerns about noise from the pumps themselves at times perhaps they can be heard from vents that may be open, we are committed and willing to work with North Royalton if there are still issues that need to be addressed to get us into Code. Mr. Margevicius stated were here primarily today to address propose changes to address some visual aesthetics issues. Mr. Margevicius stated when the pump station was first built several years ago there was mounding that was constructed to screen the tank, the tank resides here and there was mounding constructed basically around here to provide some visual screening, when this generator project moved forward a portion of that mounding was removed and so we came with some proposed plans a year ago to address some screening issues that North Royalton approved. Mr. Margevicius stated well once the generators were set, actually were installed on site Mrs. Undicelli the most impacted neighbor expressed concern that the screening as proposed was perhaps not as entirely satisfactorily as she would have hoped, so we came up with an alternate screening method that we believe Mrs. Undicelli is happy with, these changes have been reviewed by your Building Commission, City Engineer and Fire Department with no comment. Mr. Margevicius stated he would like to review those changes quickly with you primarily what we are intending to do now is restore much of that mounding that was removed and that mounding will come and basically wrap around the generators now and provide additional screening that wasn't there before we intend to install 8 blue spruce trees 8' in front of the mound and install some 17 bush plantings on the top of the mound, on the peak of the mound, that should fully screen the generator site from any view any more, as a result one of the things that we are proposing to remove now is some aesthetic painting of the generator that has been proposed, the generator should not be viewed, visible by anybody anymore and that helps us offset some of the costs of these other changes that we are proposing. Mr. Margevicius stated additionally there was proposed along actually on, on Mrs. Undicelli side of the fence that exists there and a new vinyl fence to provide that with these changes she nor any or the other parties feel that, that vinyl fence is anymore necessary and that's proposing to be dropped. Mr. Margevicius stated there is fencing in front of the First Energy transformer site here we are proposing to change the slats that are in there now, these slats now come with these wings on them now that provide much more screening, there is much, far less percent that's visible through this now, so we propose to change the slats that's on that's fence. Mr. Margevicius stated additional the focus of the screening was basically along from the face, there is approximately 100' additional, here where there is some view lines so we propose to add additional approximately 100' of fencing along this line with these wider slats as well to provide additional screening. Mr. Margevicius stated there was also an issue with the roof and some of the peeling paint on that roof, our Law Department basically has determined that the authorizing Ordinance for the generators really doesn't allow us to work on the roof of the pump station we do have an additional project coming up advertising in Spring of 07 where we are painting some other of our water sites and we intend to piggyback the roof of that site along with that project and handle it at that time.

Chairman McGrath stated excuse me, you just blew him away, he is probably missing something here but you start talking about authorizing ordinances and things that he just doesn't, you know put it, put it in like 101 for him so he knows what the hell you are talking about please excuse me.

Mr. Margevicius stated okay, sorry about that, we can do things on this project that are directly related to the generator project and, and those things that are impacted by it, the roof of the pump building that needs some remediation is really not related to the generator.

Chairman McGrath stated so what's the authorizing Ordinance that would, that depends.

Mr. Margevicius stated again the City of Cleveland authorizes, passed an Ordinance, Cleveland City Council authorizing the Division of Water to construct the generator project.

Chairman McGrath stated so you are telling him you can't paint the roof because the City didn't authorize you to.

Mr. Margevicius stated under that particular project an Ordinance, that's correct, we do have separate Ordinances.

Chairman McGrath stated but you agreed to paint the roof a year ago.

Mr. Margevicius stated we did, and yes we did and we fully intend to honor that commitment.

Chairman McGrath stated under what authorizing Ordinance, we here, here's a inaudible, under what authorizing Ordinance did you agree to paint the roof.

Mr. Margevicius stated we have a standing Ordinance that has been in place several years now.

Chairman McGrath stated then why can't we use it.

Mr. Margevicius stated we will use that Ordinance on a painting contract.

Chairman McGrath stated then why can't we use it before the seasons over, like this month and get it done and finish what we started to finished and what we agreed to finish before we move ahead.

Mr. Margevicius stated we certainly can do all we can to expedite, our, our typical process takes unfortunately 3 to 4 months from advertisement, to notice to proceed for a contract so.

Chairman McGrath stated and again only because he served in local government for a while, we will do all we can do in order to begin to proceed is kind of open ended. Chairman McGrath stated when are you going to paint the roof.

Mr. Margevicius stated we intend to advertise that project in March of 07.

Chairman McGrath stated then we are back to 07, the authorizing Ordinance that, that hit me in the head when he fell off the turnip truck the authorizing Ordinance has nothing to do with what we are talking about tonight, he means you said you intended to painted last year under an agreement that was in place permitting you to paint roofs, it's not painted now we are going to advertise for it next year.

Mr. Margevicius stated with notice to proceed in, in Summer of 07.

Chairman McGrath stated so what we agreed to last year that didn't happen last year, this year we hope to maybe possibly think about doing next year is that roughly translate down to what, what the guy on the street would understand.

Mr. Margevicius stated yes Mr. Chairman that would be fair.

Chairman McGrath stated disappointing.

Chairman McGrath stated legalese and the gobbly-guck and the legal speak, the a politically correct verbiage is something that's tiring to most residents, they want to see it done, they want to see action and there were certain things that were very important to a lot of people who sat here last year and the City, there were certain things that were very important to the City of Cleveland last year too and the generator is up and running and it ran three times and nobody complained and that's good. Chairman McGrath stated they want the roof painted, pretty simple. Chairman McGrath stated and they want the rest of the contractual items addressed, when will they be addressed.

Mr. Margevicius stated um, um, Mr. Chairman he, perhaps you can help me remember the other if we are speaking to these changes.

Chairman McGrath stated we are speaking to all the things that the City of Cleveland agreed to do last year when they wanted the generators changed.

Mr. Margevicius stated Mr. Chairman, he would say the bulk of those have been.

Chairman McGrath stated yes, correct, the bulk have been, now what about the rest of it.

Mr. Margevicius stated the remaining items short of the roof, there were proposing to make these substitutions for, we are proposing instead of doing some of this fencing work, to put this mounding back, in step which we believe is a superior method to screen the generators.

Chairman McGrath stated so we have the money to change the fence but we don't have the money to paint the roof because of some authorizing Ordinance.

Mr. Margevicius stated because there is nexus with the fence and the generator project.

Chairman McGrath stated and you can't re-allocate within the general fund of the City of Cleveland and re-appropriation within the Department of Water or some make a, make a line item transfer as most City's do when they adjust their budget at the end of the year, can't find a way to do that.

Mr. Margevicius stated Mr. Chairman he would say that the issues is not money, the issue is having a contract in place that has been properly authorized by an Ordinance that governs it's scope.

Chairman McGrath stated what contract was in place last year when you agreed to do it.

Mr. Margevicius stated the generator project.

Chairman McGrath stated what contract was in place last year when you agreed to paint the roof.

Mr. Margevicius stated um.

Chairman McGrath stated and why can't we go forward under the contract.

Mr. Margevicius stated there was no contract in place at that time Mr. Chairman.

Chairman McGrath stated then what was the painting of the roof, where was the, what was the source of the funding of the painting of the roof.

Mr. Margevicius stated Mr. Chairman he guessed he would best describe it as an oversight, we, we did not consider well enough whether or not that existing contract and Ordinance for the generators could be used to do the roof. Mr. Margevicius stated it needs to be done by a contract that's authorized by a painting contract.

Chairman McGrath stated is this a financial issue or a union issue.

Mr. Margevicius stated it's not a financial issue it is strictly a legal issue Mr. Chairman.

Chairman McGrath stated and you can't expedite it short of looking at it next spring.

Mr. Margevicius stated um, he, he, he is, he is struggling to see how Mr. Chairman at this point in the season.

Chairman McGrath stated that's an honest answer and he appreciates that.

Chairman McGrath stated go ahead, proceed, go ahead.

Mr. Margevicius stated that, that is it for his presentation Mr. Chairman.

Chairman McGrath stated you reference Mrs. Undicelli being mostly happy, she is sitting right behind you, perhaps she would like to come forward and share her thoughts please and then again, your name, your home address, speak into the microphone.

Olha Undicelli, 16000 Ridge Road, North Royalton. Mrs. Undicelli stated when we originally discussed the fence, we went out, she went out there, Mr. Ghassan came out and with the fence area where she has a lot of trees there, we figured it would look funny being leveled and she wouldn't be able to go through that area because the trees are so close to the fence they would have to cut them and she doesn't want to cut any more trees there because it's her barrier from the water company, so

then they suggested they could put a mound around the generator and that would, the generator sticks out like a sore thumb, instead of just seeing part of the building, she sees the whole building not where originally it was just going to be an end but when they put it into the mound they didn't go all the way back and it just sits out in the front so when they suggested this mound going around instead of the fence that would be great because then she wouldn't see the generator at all you know so she agreed to that and you know no problem at all.

Chairman McGrath stated okay, so you are happy, mostly happy, sort of happy, kind of happy, what.

Mrs. Undicelli stated once it, once it, if she can't see the generator she will be really happy.

Chairman McGrath stated but today how happy are you.

Mrs. Undicelli stated she's happy, she, she is willing to sacrifice, she is willing to sacrifice the fence for the mound as long as they bring it around just as far as they said they would and she won't see, see that.

Chairman McGrath stated okay, good, okay, good.

Mrs. Undicelli stated okay.

Chairman McGrath stated Thank You.

Chairman McGrath stated is there anyone else wishing to be heard, yes please, your name, your home address, speak into the microphone please.

Charlotte Karolewski, 15930 Ridge Road, she is the property on the other side of the water tank and her question is how high is this beam or bank of earth suppose to be and where is it going exactly, is it going all the way around so it goes by her property also or.

Mr. Margevicius stated Mr. Chairman, to the Resident, the berm stops approximately here now.

Chairman McGrath stated here being where in relation to, approximately how many feet, north, south, east, west, very approximately.

Mr. Margevicius stated perhaps a 150' from the this corner of the fencing.

Chairman McGrath stated this corner being the north, south, east, west corner.

Mr. Margevicius stated the northwest he would say.

Chairman McGrath stated Thank You.

Mr. Margevicius stated and it will now wrap around in a basically eastern direction perhaps 100' further east wrapping around as close as we possibly can to the drive that allows us to get back into the generator site so it's going to wrap around this way.

Mrs. Karolewski stated so it's going to be here.

Mr. Margevicius stated this exists now.

Mrs. Karolewski stated okay.

Mr. Margevicius stated and we are going to wrap, add this.

Mrs. Karolewski stated and how high is that going to be.

Mr. Margevicius stated the berm is approximately 10' in height, and 8' trees.

Mrs. Karolewski stated well perhaps the Engineer can answer this question for her, the noise that's going to come from this generator is it going to hit this mound and come all the way back to her house.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated yes Mr. Merdes please.

Mr. Merdes stated he can't answer that question, he doesn't know.

Mrs. Karolewski stated he don't know, do you know.

Mr. Margevicius stated um, Mr. Chairman, to the resident he doesn't know that we know with exact certainty, again he has offered that if, if any noise consideration, we are willing to work with North Royalton and take additional measurements if that's deemed appropriate to determine what noise levels may be out there.

Mr. O'Donnell stated Mr. Chairman.

Chairman McGrath stated Mr. O'Donnell please.

Mr. O'Donnell stated please, the question he has in his mind is if you have operated it three times already there is no, there is a partial mound there, has the resident heard.

Mrs. Karolewski stated she doesn't know when they, if she was not home she would not have heard it.

Mr. O'Donnell stated so.

Chairman McGrath stated but have you, have you heard anything, he is sorry.

Mr. O'Donnell stated we don't know if you were home but.

Mr. Karolewski stated she doesn't know when they ran it, not when she was home.

Mr. O'Donnell stated okay what, what times of day would you have run it.

Mr. Margevicius stated the last time we ran it which was approximately two months ago he believes, it ran from approximately from noon to 4 p.m.

Mr. O'Donnell stated on a week day.

Mr. Margevicius stated on a week day yes.

Mrs. Karolewski stated on a day, what day.

MR. Margarouv stated which specific, we would have to look back at our record Ma'am.

Mrs. Karolewski stated all right because you know, we, we are senior citizens we go.

Laughs.

Chairman McGrath stated do you run it at the same time, like noon to four every time you run it or is it different times of the day or he is trying to determine if, if for example the residents are home at the same time every day they could miss it or not miss it but if it's a random times the might be.

Mr. Margevicius stated Mr. Chairman, the, the site and the facility has not been formally turned over from the Contractor to the City yet, so we have not gotten into the maintenance mode yet, once it is turned over to the City formally we will initiate a, a, a routine running of those units to make sure and as she has suggested here if we are more than happy to work with North Royalton if there is a preferred schedule to run those units, he doesn't think we have a preference of time of day to run those units.

Chairman McGrath stated Thank You.

Mrs. Karolewski stated she thinks last year it was, it was established that you were going to run during the rush hour, isn't that what he said.

Mrs. Undicelli stated yeah, we agreed to that.

Mrs. Karolewski stated that was the agreement.

Mr. O'Donnell stated okay.

Mrs. Undicelli stated at 4, between 4 and 6, 4, 5.

Mr. Margevicius stated Mr. Chairman we would have no objection to that.

Chairman McGrath stated Thank You.

Mrs. Karolewski stated okay, and the other thing that they did not finish from doing last year is cleaning up all those trees, you have trees with the stakes dangling from them with wires, choking the trees off, you were suppose to take care of that last year, it has not been done.

Mr. Margevicius stated Mr. Chairman he doesn't, he is not aware of that detail, he doesn't know if any of the staff here can address that.

Chairman McGrath stated Thank You.

Chairman McGrath stated name and address.

Ghassan Ali, 2242 Halcyon Road.

Chairman McGrath stated Halcyon Road where Sir please.

Mr. Ali stated Beachwood, Ohio.

Chairman McGrath stated Thank You.

Mr. Ali stated if, of any, he means the contractor is still is scheduled to go back for this mountain to put the berm at that time we can not take care, he means we did take care of part of it, and some is not done yet but he is going to be back to put the mountain and we are going to take care of all of these trees we are going to address it and at that time before we accept it we will have all, all the neighbors to make sure that there is nothing left on our property not taken care of.

Chairman McGrath stated how did it come to be this way, it's a year now, how do we come to have strings and wires dangling and the shabby appearance, he lives a block away from there, he passes that once a day, these residents are right, a how, how is it been, how does, how does it happen that this situation is left in, to languish like this.

Mr. Ali stated the construction was going on like 15 sites at the same time, we were like, we were putting the generators, and the electrical work first and then these as a punch list and actually this was suppose, this project was suppose to finish like by March of last of this year but because of like unforeseen conditions and some other things it took longer time so that's why the punch list was you know left this time.

Chairman McGrath stated Thank You.

Chairman McGrath stated we are going to take a 30 second pause while we change the tape.

Chairman McGrath stated we are good to go, Mrs. Undicelli.

Mrs. Undicelli stated do I have repeat.

Chairman McGrath stated pardon.

Mrs. Undicelli stated does she have to repeat her name and everything.

Chairman McGrath stated no.

Mrs. Undicelli stated that she just wanted to say that a, as far as the generator goes, she was assuming that they were running it every month and she hadn't, like she said, she really hasn't heard it except for the first time and they told her today they, they weren't running it every month so if the, if the noise is a concern for them also then couldn't they schedule a time where both of our, all the residents would be available and run the generator so we know what it sounds like.

Chairman McGrath stated or on the other hand, if they have run it three times and nobody's heard it and it hasn't bothered anybody.

Mrs. Undicelli stated but it, but it, but is just, that's what she is saying, she, she hasn't heard it except the one time they were working on it, okay, was she home the other times they ran it she doesn't know.

Chairman McGrath stated well not, he, he.

Mrs. Undicelli stated she is just trying, she.

Chairman McGrath stated he guessed, he guessed his thought and maybe he is being to simplistic but, if the power goes out.

Mrs. Undicelli stated they are going to run it.

Chairman McGrath stated would rather be without water or would you rather hear the generator.

Mrs. Undicelli stated well it's, she means it's for somebody else and she wouldn't want them to be without water also.

Chairman McGrath stated right.

Mrs. Undicelli stated she is not complaining, you know.

Chairman McGrath stated he understands.

Mrs. Undicelli stated she is just trying to make it so they are happy with the mound going in and not making any noise for it.

Chairman McGrath stated you're not, never in this room are we going to have everybody happy, it just doesn't work that way, it's just the way, it's a reality of life.

Mrs. Undicelli stated now if a.

Chairman McGrath stated he is not going to be happy until the roof is done and it's not going to get done apparently.

Mrs. Undicelli stated now seeing the roof doesn't bother here.

Chairman McGrath stated right, but every time he drives by and looks at your house and look at that roof and remembers what we were promised it bothers the heck out of him.

Mrs. Undicelli stated no see and she.

Chairman McGrath stated because it's another broken promise from the Water Department.

Mrs. Undicelli stated okay where, where she is just looking at what she sees from the back and that, you know the generator is a major issue.

Chairman McGrath stated right.

Mrs. Undicelli stated okay and they, when they first installed the generator, they had one light one side, one light on the other side, she called Ghassan and told him the one light was glaring at her, he was nice enough he turned it off.

Chairman McGrath stated good.

Mrs. Undicelli stated she doesn't know if the other light is bothering you.

Mr. Messerina stated it bothers him.

Mrs. Undicelli stated okay then.

Mr. Messerina was inaudible.

Chairman McGrath stated hold on, everybody gets to come up and talk one at a time.

Mrs. Undicelli stated so she means, if you don't tell them then they don't know so that's what she is just saying, you know, if you don't tell them what's a problem then they don't know.

Chairman McGrath stated right.

Mrs. Undicelli stated and she is bringing this up today as far as the maintenance of the place, you are loosing your new bushes, you know you put those arborvitaes up by the substation, she thinks two are dead, one is dying because nobody watered them and the trees that she had that you parked on her, you know planted on her property, it may rain someplace else but we don't get the rain, they have got to be watered and the grass cutting they cut the grass maybe once every two three weeks now, they used to have like a weekly didn't they.

Mr. Messerina stated no, not, not directly across from him, inaudible.

Chairman McGrath stated okay we, time, time, guys we have to do in the mic, one at a time please.

Mrs. Undicelli stated okay, all right, okay, she.

Chairman McGrath stated Thanks.

A, my name is Frank Messerina, he lives directly across there, 15933 Ridge Road and there is a couple issues one he thinks if his memory recalls him right, when they were talking about that roof they said it was stainless steel and it couldn't be painted, they were just going to let that paint flake off and it wasn't going to be painted and number two is, you said you had seventeen thousand dollars allocated for new bushes which they never did anything, never put bush in, never took care of the bushes they got or the trees and as far as the generator, well he took a few pictures and he got, this is during the day time when it was running and you can see the smoke coming from the diesel engines, diesel engine in there and as far as the light goes, his elevation on his bedroom is from his house is about 4' off the ground and that light shines directly in his bedroom across the street and a, as far as like you said, as far as the trees, they were planted wrong, nobody ever came to check how they were planted, they were half out of the ground, half of them are dead and the other half are dying so that's about all he has to say.

Chairman McGrath stated Thank You, is there anyone wishing to be heard in the audience.

Chairman McGrath stated Mrs. Uffman-Kirsch.

Thank You Mr. Chairman, Councilwoman Uffman-Kirsch. Mrs. Uffman-Kirsch stated just to clarify a couple things, Mr. Messerina is correct, in, on July, June 15th of 05 it was agreed to, to spend about \$17,000.00 for 54 new trees, now there have been some, new trees were put up behind the building she does not see 54 new trees, she has walked out there today, she is not seeing that, she would also like to clarify on your plan where it says, that the new work is in bold that it says existing trees that have died are to be replaced in kind and it points to the back along Metroparks line, she walked that line today and those trees are looking pretty good, it's actually the trees on the Ridge Road line that, across from, Messerina and, and adjacent to the Karolewski's that are the ones of concern as well as the dying arborvitae around, around the substation so where you are point on your plan that trees that have died that's not where they are, okay, so it's along the Ridge Road line.

Mrs. Uffman-Kirsch stated also Mr. Chairman, she, she needs to have, say this on the record, she fully concurs with you regarding the issue of the roof, first let me clarify, it wasn't agreed to that it was just going to chip off, actually what was stated in the letter of April 28th was that our client has agreed to remove the paint entirely to avoid any future problems, she hears what you are saying about your Law Director saying that the authorizing Ordinance doesn't allow this to be done under the scope of this project however she would, her response to that Sir with all do respect would be that your Law Director or your Law Department then should have reviewed this letter which was an agreement letter which said what was going to be done she would fine, she would feel that if there is any way that we should hold them to this agreement to to, she thinks it is atrocious looking and she is not a picky person about stuff like that, most of you know, but the roof is atrocious and it needs to be fixed somehow and it was agreed to on April 28th and whatever, we all know that things can be done to make that happen and she would encourage them to do that.

Mrs. Uffman-Kirsch stated there is also one other concern it was, it was not told to her but allegedly there was a conversation between someone from Cleveland or Representing Cleveland Water with Mrs. Undicelli about the a southwestern corner of the fence line, even though, since, if that fence is not going to be put up if Planning Commission chooses to approve the revised scope of this project and do the mound instead, there is still a visual area, a area of visual through that line and she had mentioned to her that there was something talked about canvas on the inside, she is not sure that that's the best approach for that, she thinks you should go back to what was originally agreed to with a trees or something just to block that view, it is by the no trespassing sign for your reference when someone goes out there to look, there is still a visual right into the back area from her homes, all right, she thinks that is everything she has Mr. Chairman.

Chairman McGrath stated Thank You very much.

Chairman McGrath stated anyone else in the audience wishing to be heard.

Michael Broestl, 15951 Ridge Road.

Chairman McGrath stated turn, turn the mic, Mike turn the mic up please.

Mr. Broestl stated oh.

Chairman McGrath stated Thank You.

Michael Broestl stated 15959 Ride, 51 Ridge Road, his mother is 59, he lives directly across the street, his driveway is actually almost directly, his driveway almost directly across from the driveway for that a, the prison that went in across the street from him, but he agrees with you 100% about the roof, the roof does look very shoddy for a brand new building, the, the trees also, a very good point about how they have been choked out by all the, the a, the supports that were put in there initially, he has one question for the gentleman here, when you said you were going to do your maintenance test on the generator for all the cities that benefit from that water since we don't get one drop of it, what is a maintenance test, could you describe that, is it once a month, once a quarter, once a year and for how long is that maintenance test last.

Tim Kaput, 4091 Watercourse, Medina, he is the Engineer on this, he thinks he is better able to answer that, the test is expected to, we are going to run the generator for maybe an hour, whenever you want to run it, whenever it is convenient perhaps, as we said once a month, depending upon what requirements we find, once a month is the plan when they run it, if they find out that there is a problem, they may have to run it every three weeks but that is the plan, maybe half an hour, it won't have to run for an hour, the idea is to get it hot put some load on it and shut it off.

Mr. Broestl stated sure, absolutely.

Mr. Kaput stated we are wasting money when we run it, so it's better off if we don't, the electricity is a lot cheaper.

Mr. Broestl stated yeah, the reason, he was just curious you know if it would be a weekly event or and for how long that, that was one he thinks and his last question for the Law Director, he is just curious because he doesn't know how the whole thing with public utilities work as far as tax input to the City of North Royalton what, what do we get out of this since we are really not getting much but headaches.

Mr. O'Donnell stated well we get no, no tax from the City of Cleveland's operation of this facility except workers that that might work there but he is not even sure that they have regular workers working there, he hasn't actually checked it but technically if there is somebody working in the City we should receive income tax from their employment or working in the City.

Mr. Broestl stated so there is no.

Mr. O'Donnell stated but he doesn't think it would be a huge amount of money.

Mr. Broestl stated no property.

Mr. O'Donnell stated no it would be a tax exempt use so there are no property taxes.

Mr. Broestl stated okay, Thank You.

Don Willey stated Mr. Chairman.

Chairman McGrath stated please.

Don Willey stated one, one of the other things that we have is incidental and talking with the Fire Chief, is that should we have an emergency and need water, that is available, he believes that the City of Cleveland has made that available, our Fire Department for emergency reasons so what is that worth, he has no idea, but it's one of those things that there is a cooperative effort there, Thank You.

Mr. Broestl stated Thank You very much.

Chairman McGrath stated Thank You very much.

Mr. Margevicius stated Mr. Chairman if he may, just a few points of clarification, regarding income tax, there are several of our employees whose day involve rolling several sites so long ago an agreement was reached with Rita he believes such that their income taxes are put into a pool and distributed to the communities that they service and North Royalton as far as he understands gets a portion of that, what the exact formula is, it is split he is not sure, again he thinks your Law Director is exactly correct, he wouldn't think that it amounts to that much, regarding the benefit that North Royalton sees from this facility there is both a water tank and a pump station at this site, North Royalton resides partially in what we call our second high district, partially in our three high district, everyone in both of those districts benefits from that water tank being there, both the second high since it floats and can supply to anyone in the, in the northern district if you will and everyone in the third high district benefits from the pump station there so he would argue that both the second and third high customers of North Royalton do benefit from that facility being there.

Chairman McGrath stated Thank You.

Chairman McGrath stated anyone else in the audience wishing to be heard, to the Building Commissioner anything that you wish to add to all this inaudible.

Mr. Alvarez stated he has nothing to add Mr. Chairman.

Chairman McGrath stated to the Engineer anything you like to add.

Mr. Merdes stated Thank You Mr. Chairman, no comments.

Chairman McGrath stated Thank You, anyone on the Commission.

Tony Sandora stated Mr. Chairman, he has one question he would like to ask, he would like to ask the question to any of these of, the residents here that have spoken tonight, a how would you compare this noise from this generator to the noise from the Turnpike.

Mrs. Undicelli stated because we can't establish what the noise level, we don't know what it is.

Tony Sandora stated no he doesn't buy that Mrs. Undicelli, he doesn't buy that all, he doesn't.

Mrs. Undicelli stated she is telling you, she is telling you she heard it the one day.

Tony Sandora stated well he just, he is only asking a question.

Mrs. Undicelli stated the Turnpike, the Turnpike.

Tony Sandora stated he would like to know.

Mrs. Undicelli stated the Turnpike is absolutely horrendous and the reason for the Turnpike being so bad and you are going to be hearing about okay, is because they made, they took away the medium strips and they added three stories of, of concrete and it totally echoes off the Turnpike and it's residents all the way from Broadview Heights, all the way to whatever and eventually it's going to come in front of you, there is no way, she means it's horrendous, she means, you have, when the, when the wind shifts the Turnpike is outrageous, she was telling Alex here today, it's hard for her to tell today because the Turnpike is so loud during the day that she can't tell exactly what noises are coming anywhere and she is not complaining about the noise from the generator because she can't, she personally can not say she has heard it except that one day they were testing and the door was open, that's why she was asking if they could run a test so we can hear, it's not going to make any difference, it's going to be running so.

Tony Sandora stated well that was his question, he just wanted to know what the comparison was between the two Thank You.

Mrs. Undicelli stated and a, in, and all, also it seems like it kind of echoes over it doesn't hit all the houses, it will hit houses on certain levels and not at the others, she has asked them if they heard the Turnpike, they told her they hardly hear it and she thinks Mike they hear it tremendously, she hears it tremendously, her neighbor down below her he couldn't even talk to his wife from his deck to his kitchen because that day, that day the noise, the Turnpike was so loud.

Inaudible.

Mrs. Undicelli stated have you heard, have you got any other complaints from any other residents of the Turnpike.

Mayor Luks stated not that she is aware of.

Tony Sandora stated he is just asking that question, he is trying to compare it.

Mrs. Undicelli stated okay, okay, she means, have you been in areas where you can hear the Turnpike now verses.

Tony Sandora stated he lives on Wallings Road between Ridge and York and he can hear the Turnpike.

Mrs. Undicelli stated great, so you are going to be backing us up 100% then.

Chairman McGrath stated backing, excuse me, you keep referencing that you are going to be hearing more about this and now, what, what, what is it were going to be hearing about and where is that going.

Mrs. Undicelli stated well no, you know, because it's, were, we have to do something it, it is rid.

Chairman McGrath stated what are we, what are we going to do.

Mrs. Undicelli stated they, may, have them buf, the Turnpike, the Turnpike has got to buffer those high walls.

Chairman McGrath stated and who, how are we going to cause that to happen.

Mrs. Undicelli stated we are going to have, we are going.

Chairman McGrath stated because honestly you know inaudible.

Mrs. Undicelli stated she doesn't know, we are going to have to meet with them, something got's to be done.

Chairman McGrath stated we, who, and how and when.

Mrs. Undicelli stated that's when everything has to come together.

Chairman McGrath stated okay.

Mrs. Undicelli stated all right, she doesn't know.

Mayor Luks stated Mr., Mr. Chairman.

Chairman McGrath stated Thank you.

Mayor Luks stated she, she hopes you take this in the spirit that it's intended but that will probably happen when we achieve world peace.

Mrs. Undicelli stated laughed.

Mayor Luks stated seriously it.

Mrs. Undicelli stated you know which is it, why is it.

Mayor Luks stated she, she is sorry, she doesn't mean to be.

Mrs. Undicelli stated why is it a conglomerate can go out there and do anything they want and they don't have no respect for the residents.

Mayor Luks state she, she wished she had a good answer for you on that but they can, and they do and she, and we've, we've dealt with them over and over on issues and it's very difficult to make any headway with them.

Mrs. Undicelli stated you know she, she, she moved into the neighborhood, the Turnpike was there, she knew it, it was not very loud at all, she used to live on Akins Road now they put that, those concrete walls up.

Mayor Luks stated uh um.

Mrs. Undicelli stated especially from Ridge to State it's like, she thinks triple all the way down, it is just, it brings it right over the top of the trees, there is no insulation there's.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated Mayor.

Mayor Luks stated she doesn't mean to cut you off but we need to stick with the topic at hand right now.

Mrs. Undicelli stated okay, okay.

Chairman McGrath stated Thank You.

Mayor Luks stated and, and Mr. Chairman, she has a suggestion and she would like to hear from the other Commission Members as to their feelings on this but her suggestion is, in, in her mind at least a we, we have a couple of things that that need to be worked, more concretely answered, one is the question on the mounding and what that will actually do to the noise, does it absorb it, does it bounce it around, what does it do, so far no one this evening could answer that for us, it may be that it improves the situation and absorbs it, the other being she, she agrees that there, that these people should be able to hear what this generator sounds like one time because we might be spending all this time worrying about noise that isn't really an issue and she would like to find that out, so she thinks that's a really good suggestion and lastly, she doesn't think anyone here is satisfy with the answer on the roof issue and so Mr. Margevicius if you could go back to the powers that be and see if you can't come back to us with a better answer then the one you are giving us this evening because she thinks that it's a major issue and so she would like to ask you to try to to address that in some way that works a little better for all of us here because in all fairness and honesty it is awful and a the people that live in the second and third high who pay those high water rates don't want to look at that nasty roof to be blunt, a so, she doesn't know how the other Commission Members feel but those are her feelings and in light of that she would suggest that we table this until that can happen but she would like to hear anyone else's thoughts.

Chairman McGrath stated the Mayor has asked for thoughts, his, his personal thoughts speaking only as an individual is he echo's what the Mayor said, and when you come back since he has no intention of acting on this evening, when you come back please give us a concrete time table when do you plan to do the mounding, when do you plan to replace the tress, when do you plan to get the dead brush out of there, when do you plan to paint the roof and any other questions that you have heard this evening, he knows that you have been taking notes and he appreciates that, specifically when do we intend to do each of these individual things, he thinks the generator just kicked on, when you come back and, and he will, he will welcome your, your input with specifics, we are going, we plan to mound when, we plan to paint when, we and, and it's got to be sooner rather then later in terms of the answer to all of these questions and if there is anyone else on the Commission that wants to jump in this would be the time.

Tony Sandora stated motion to table.

Don Willey stated second.

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

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

Chairman McGrath stated it is tabled.

Chairman McGrath stated Thank You.

Chairman McGrath and Mr. Broestl had a brief discussion on the time table.

Ms. Fashempour asked if she could have a ninety day time extension please.

So moved Tony Sandora.

Mayor Luks stated second.

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

Roll call: Yeas: Four - Mayor Luks, Sandora, Bull, Chairman McGrath. Nays: None. Motion carried. Mr. Willey was out of the Council Chambers.

Chairman McGrath stated a, extended, whatever it is.

Subdivision Approval

Ms. Fashempour stated Subdivision Approval we are going to go with two items under this, first one, we are going to discuss them together.

Indian Trails Subdivision, Woodhill Properties, Inc., Abbey Road, PPN 481-26-001, 11090 Abbey Road, R1-A Zoning. Lot Split and Consolidation.

Indian Trails Subdivision, Woodhill Properties, Inc., Abbey Road, R1-A Zoning. Lot Split of PPN 481-26-001, 11090 Abbey Road, split of land 25' x 230' and consolidated to Indian Trails Subdivision to create one additional lot. Revised Preliminary Plan Approval.

Ms. Fashempour stated and she believes the Applicants are here this evening.

Chairman McGrath stated if the Applicant is here please step forward and share with us what you will.

Yes, Robert Nottrodt, 26750 Schubert Drive, Westlake. Mr. Nottrodt we were, were here tonight.

Chairman McGrath stated Thank You.

Mr. Nottrodt stated to consolidate a parcel of land and ask for a property split to create an additional lot in Indian Trails Subdivision.

Chairman McGrath stated okay, is there anyone in the audience wishing to be heard, Building Commissioner anything you wish to share.

Mr. Alvarez stated he has no, no comments Mr. Chairman.

Chairman McGrath stated Thank You, Engineer anything you wish to share.

Mr. Merdes stated Thank You on the lot split and consolidation he had noted that we needed to see monumentation, there weren't any legal descriptions and the plat we had was unsigned and not sealed by licensed professional surveyor, we got a revised drawing today which included monumentation and the plat is now signed and sealed by a licensed professional surveyor we also received legal descriptions, he didn't have an opportunity to review them, he did have an opportunity to look at the plat and see that those other two comments had been addressed. Mr. Merdes stated moving on the subdivision, the revised preliminary subdivision, we had approved this preliminary plan for the subdivision July 21st, 2004, it was approved with conditions that were in the minutes or conditional upon something in the minutes, it doesn't appear to be shown on this version he just noted that also appearing on this subdivision in dash lines is a future subdivision layout that once had a sketch approval and that that actual sketch approval has lapsed and when he reviewed the schedule of our area yard height regulations, the required front yard depth is 50', our submittal, revised drawing shows subplot 33 with a 50' front yard setback but not subplot 34, 34 had less than the required setback, front yard setback shown and also noted that if this was approved the subdivision is currently under construction and the subdivision improvement plans need a design change to be submitted to the Engineering Department for approval. Thank You.

Chairman McGrath stated Thank you.

Chairman McGrath stated that having been said, you want to take what you have heard from the Engineer this evening and bring back a cleaner, fresher, more correct copy for our review next time or do you want to go forward with what we have in front of us.

Mr. Nottrodt stated excuse me one second, what do you want to do, bring it back at the next meeting.

Tony Sandora stated Mr. Chairman, before they do that, he wants to bring up an issue that is a bothering me.

Chairman McGrath stated good enough, he was going to ask if anyone else had issues, they could address them all at the same time.

Tony Sandora stated well yeah, while they are decide, deciding what they are going to do over here.

Tony Sandora stated you know sitting on this Planning Commission he has seen, there is numerous properties coming before us and he is looking at this, this plan over here and maybe he is wrong, maybe he should have brought this up before okay, but it, it's just occurred to him, it's occurring to him now, it's occurring to him more and more and more that this is happening within this City, you know every month we get a report from the Fire Department requesting two ways of ingress and egress okay, and he is looking at this, this, this, this plan that's before us here and he is looking at all this back land between 130th and Abbey Road and you know we have, now they do have a couple of stub streets in here okay, all he can say is we have a lot of homes going in, in this area over here, we have a lot of homes that are dumping in and out on Abbey Road were, were having, we are going to have a terrific traffic problem there okay, and he looks at this site, these bowling alley lots on 130th

they are like a 1000' or more long in some cases over here he means it, it's just irresponsible for us to sit up here and let them present a plan here that doesn't show, now they do have two stub streets to go to their property lines on both sides here okay but this cul-de-sac that's on the end over here by what the heck is it Machian Way over here, that should be a stub street that comes right into the back on this property over here, because eventually and he doesn't, you know, it and it doesn't make any sense to him that you know when he hears somebody say, well we don't own the property or we don't do this or we don't have that. Tony Sandora stated everybody is selling their property off here, whether it's today, whether it's tomorrow, whether it's next month, whether it's five years from today, okay but we are locking ourselves in constantly and then another, somebody else comes along here and they want to do the same thing and all we wind up doing is having cul-de-sacs all over. Tony Sandora stated he means it's just not, it's, it's not right planning at all, they are going to, as far as he is concern this street should come out some place it should about the property lines here some place and if it sits there for 50 years, it's there, if somebody else wants to buy this property and develop it and do something, we are going to have to make them start doing what they are suppose to do and start tying in and having more ways in and out other than just a few, do you realize how many developments we have on Abbey Rod right now, that are playing out over there, you have a Gentleman up here that was complaining about Wallings Road closed and everybody is going through Villa Grande, well just think if those roads didn't go through where would those cars be going, where would we, we, we in an emergency situation or wherever the situation is, but he thinks it is time we are going to have to start opening up and we are going to have to start demanding that these are put in place for future development whether they like it or not, that's his only comment.

Mayor Luks stated Mr. Chairman.

Chairman McGrath stated your point is well take Mr. Sandora.

Tony Sandora stated we have to take this into consideration.

Chairman McGrath stated Mayor.

Mayor Luks stated she only wanted to say that Mr. Sandora, she couldn't agree with you more, she thinks well said, a, and to the Applicant she thinks you need to take to heart what Mr. Sandora is saying because she thinks he is echoing the sediments that, that several of us at least if not all of us feel sitting up here, it, it needs to change.

Mr. Nottrodt stated we will look into the matter, Mr. Chairman.

Chairman McGrath stated Mr.

Mr. Nottrodt stated can we come back in two weeks.

Chairman McGrath stated you certainly can.

Mr. Nottrodt stated okay.

Chairman McGrath stated and we will see if anyone else on the Commission has anything they want to add so you can address it all when you come back.

Chairman McGrath stated Mr. Willey.

Don Willey stated a Mr. Chairman, he concurs with Mr. Sandora regarding the cul-de-sacs, the other thing is, you know the City is continually getting beat up in the winter time because the cul-de-sacs present a special problem and although Council has revised the a, area that has to be clear so that there is a place to dump snow and so forth but it's a particular expense to as well as a reduction in service to the folks that live on the cul-d-sacs and these short streets so that, that's a concern, one of the residents the last planning meeting brought up a very important or he thinks a key issue regarding Abbey Road and that is that with the number of developments that are going down there, the, the current apartment buildings and so forth that everything is going to dump in and each each one of these developments have a separate street dumping off, the ideal thing would be to have a parallel street you know and he believes he thinks that resident Mr. Meiners if he remembers was his name he brought up a key point a real safety issue so a he, he concurs with both the Mayor and the a, and, and Mr. Sandora that a you know were, in the future inviting, you know inviting we are compounding a perhaps a problem is it fair to you he, he doesn't know you know, he can't answer, answer that but a, the other question that he had Mr. Chairman was a regarding the detention basins and a he knows they are probably in compliance but that's been a major area down there of, of, of flooding and, and water down through there and the residents on the east Abbey Road have a continually kind of continually complaining because the water is coming from West 130th Street down it crosses the road, in very heavy rains it actually crosses the road and so a that was something that he, he was going to ask the Engineer about if a, if a based on the number of, the number of units there and the square footage of this detention area is is adequate based on our currently flooding problems, Thank You, Thank You Mr. Chairman.

Chairman McGrath stated Thank You, anyone else, anything else.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated Mr. Merdes please.

Mr. Merdes stated to answer Mr. Willey's question the approved subdivision plans are in compliance with our Stormwater Management Rules and Regulations.

Chairman McGrath stated Thank You.

Mr. Nottrodt stated Thank You.

Chairman McGrath stated anyone else anything.

Tony Sandora stated Mr. Chairman he just would like to say, don't you know, he, he means this is just the way he feels it's not that he is trying to pick on you guys or whatever, you just happen to be you know before me and he sees this and whatever but he means it, it's a problem in this City that we really, really have to work on and you know it's one lot, it's one lot so, Thank You.

Mr. Nottrodt stated Thank You.

Chairman McGrath stated Thank You.

Chairman McGrath stated comments, motion.

Ms. Fashempour stated just for clarification if something would come back that you would decide to eliminate that cul-de-sac and put a stub, she is going to need more than the two weeks because she is going to have to notify all those residents, because they saw your plans as you originally put in so it wouldn't be fair for them to have Planning Commission approve something with out them knowing it, so you know not saying that you are or your aren't she just wants you to know.

Mr. Nottrodt stated just for comments we are three quarters of the way done with the improvements, we are hoping to pave phase one probably the second, well probably the third or fourth week of September so this is really something after the fact coming back now to change, all we were in here tonight for is just to create that extra lot, subplot 34, which is the first lot coming in on the left hand side, cul-de-sac is in, all the sewers are in, the water lines are in, we are almost done, a couple weeks.

Chairman McGrath stated third week in September is like in 10 days.

Mr. Nottrodt sated that's correct we should be paving you know within, prior, most likely before the end of the month we should be paving, unless we get hit with a lot of rain and we get delayed but within the next couple weeks we should be ready to pave, he means we got the water in, the sanitary is in, the storm is almost in, most of our work just left on Abbey Road now to tie the sewers all in there and get our dirt work in there and compact and be ready to pave, so we are hoping to be paving by the end of September.

Chairman McGrath stated Thank You.

Mr. Nottrodt stated Thank You.

Tony Sandora stated motion to table both.

Chairman McGrath stated do you have a motion and second.

Ms. Fashempour stated she doesn't have a second.

Don Willy stated second.

Chairman McGrath stated Secretary please call the roll.

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

Chairman McGrath stated tabled.

Utility Plan Approval

at&t requests permission to place an above ground cabinet in the road right of way near 12614 Ridge Road and Julia Drive, Approval.

Chairman McGrath stated and the Representative is here patiently waiting.

Yes, Mike Williams, he lives at 16515 Clare Avenue in Cleveland, requesting permission to place an above ground cabinet on Julia Street, he believes we are using the address of rear 12614 Ridge Road which he believes is the corner address there but the actual site is on Ridge, on Julia.

Chairman McGrath stated to the Building Commissioner anything.

Mr. Alvarez stated he has no comment Mr. Chairman.

Chairman McGrath stated Thank You to the Engineer.

Mr. Merdes stated yes, first of all a clarification on what you are planning to do, you are going to place a new cabinet on the existing pad.

Mr. Williams stated on the existing, right of way.

Chairman McGrath stated on a pad or on a pole.

Mr. William stated oh on a pad, a pad, 7 x 7' pad, the box.

Mr. Merdes stated so on the drawing every, the pad doesn't exist right now.

Mr. Williams stated no, there is a pole mounted cross connect box there that we tie into.

Chairman McGrath stated is this the cross connect box.

Mr. Williams stated correct.

Mr. Merdes stated and the cabinet that's on the pole is what's planned for that.

Mr. Williams stated that stays there, that actually is a cross connect point from our F1 cable to our distribution cable now the distribution cable goes to the residents.

Chairman McGrath stated for those of us who don't know what a F1 cable is, you have got to, you have got to.

Mr. Williams stated he knows, let me give you kind of a quick summary here, comes from, the dial tone comes from the central office on a F1 cable and go to this cross connect box and terminates there and then we have he thinks there is approximately 100, 114 homes served by that cross connect box and there is a cable that leave that cross connect box and goes to all those residents, terminates at all those residents homes, technician actually has to go there when someone requires service and run a jumper wire from that F1 side to the F2 side to make that connection there.

Chairman McGrath stated all right.

Mr. Williams stated so and that's what we call distribution of those 114 homes.

Chairman McGrath stated so then from the new box you are going to put on a concrete pedestal to the box that's hanging on the pole there are going to be these jumper wires.

Mr. Williams stated well from that pad there, there is going to be fiber cable that comes out of a manhole he believes on a on Ridge Road, okay, comes up the pole line, dips up at the corner there comes across, the pole line dips down where that cross connect box is and goes underground in conduit fiber goes into the electronic cabinet okay and then there is a port a par cable that going to leave there and come back to that cross connect box.

Chairman McGrath stated and this is in the right of way or not in the right of way.

Mr. Williams stated in the right of way.

Chairman McGrath stated will it be landscaped.

Mr. Williams stated not in the right of way no Sir.

Chairman McGrath stated just checked, you might want to throw one it.

Laughs.

Chairman McGrath stated he has nothing else.

Mr. O'Donnell stated Mr. Chairman.

Chairman McGrath stated Mr., Mr. O'Donnell please.

Mr. O'Donnell stated how far down Julia is this box, is he reading this, this is the box left side of the page.

Mr. Williams stated yeah he thinks.

Ms. Fashempour stated she believes that she scaled it when she wrote the letter to the residents and said about 250' from Ridge Road.

Don Willey stated based on the picture Mr. Chair it's on the north side of Julia.

Chairman McGrath stated yes.

Tony Sandora stated wherever that first house is.

Mr. Williams stated actually in front of that first house yes.

Chairman McGrath stated and this is the correct color, the sort of stainless steel looking cabinet that we have in front of us.

Mr. Williams stated they are slightly green.

Chairman McGrath stated slightly.

Mr. William stated or kind of brown.

Chairman McGrath stated kind of brown, slightly green, looks like silver from here.

Mr. Williams stated well it's not silver.

Chairman McGrath stated beige color.

Mr. Williams stated beige yeah.

Chairman McGrath stated all right.

Chairman McGrath stated relatively neutral.

Mr. Williams stated pardon me.

Chairman McGrath stated relatively neutral.

Mr. Williams stated yes.

Chairman McGrath stated he has nothing else, anyone else anything.

Tony Sandora stated he has nothing.

Don Willey stated Mr. Chairman a motion to approve.

Mr. Merdes stated Mr. Chairman.

Chairman McGrath stated yes.

Mr. Merdes stated he did have some other comments.

Chairman McGrath stated good he is sorry.

Don Willey stated sorry.

Mr. Merdes stated sorry.

Mr. Merdes stated as in his report, a, a permit is required, plans needs to be done by a registered engineer that's required to get the permit, perform all work in accordance with the City's Codified Ordinances, contact the City Engineering Department 72 hours, that's 3 working days prior to commencing, a full time inspection is required for all work performed within city right of way which is billed to the Applicant to the Owner, all areas of disturbance are required to be restored, no opening cutting of any roadway pavements are allowed, sidewalk replacement if it becomes necessary is in full slabs, videotaping of the work area is required prior to the work and a copy of the videotape is to be provided to the city all homeowners along the installation need to be given 48 hours written notice and a copy of that given to the City.

Mr. Williams stated that is agreed upon.

Mr. Merdes stated Thank You.

Chairman McGrath stated Thank You, anything else.

Chairman McGrath stated we almost had a motion.

Don Willey stated Mr. Chairman.

Chairman McGrath stated yes.

Don Willey stated him, he motion to approve.

Victor Bull stated second.

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

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

Chairman McGrath stated approved.

Mr. Williams stated Thank You.

Chairman McGrath stated as provisionally as was explained.

Miscellaneous

Ms. Fashempour stated one item under Miscellaneous if she can go back, 06-111, the rezoning can she get a ninety day time extension.

So moved Chairman McGrath.

Tony Sandora stated second.

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

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

Ms. Fashempour stated that's all she has.

Adjournment

Chairman McGrath stated motion to adjourn.

Don Willey stated second.

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

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

Chairman McGrath stated we are adjourned.

Planning Commission Meeting for Wednesday, September 6th, 2006 adjourned at 9:45 P.M.

Approved: Edward McGrath
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour
Secretary - Planning Commission

Date : September 20, 2006