

Planning Commission Caucus - 7:12 P.M. - Wednesday, September 10, 2008.
Present: Mayor Robert A. Stefanik, Chairman Tony Sandora, Victor Bull, Thomas J. Kelly, Law Director, Vice Chairman/Council Representative to Planning Commission Don Willey, Mike McCarthy, Rito Alvarez, Building Commissioner, Mark Schmitzer, P.E., City Engineer, Council Ward Five Larry Antoskiewicz, John Gazo, Robert Nottrodt, John Sindyla, Tom Jordan, John Nickell, Craig Karmazin and Brenda L. Fashempour, Secretary.

Public Hearing -

Call to order.

Roll call.

Opening Ceremony - Pledge of Allegiance.

Public Hearing - Conditional Use Permit - T Mobile USA, Inc.

Ms. Fashempour stated that Public Hearing Notices had been mailed out. Ms. Fashempour stated that she had received a call from the US Post Office, North Royalton Branch that they had confiscated Public Hearing Notices from the mailboxes along Albion Road, notices were on white paper. Ms. Fashempour stated that the Public Hearing Notices are mailed on green paper, postage budget of \$2,000.00, \$1,800.00 spent so far this year. It was determined that the notices must have been copied and put in the mail boxes. Postal Service stated to the residents that they welcome the enthusiasm, however it is illegal to put notices in mailboxes. Mr. Kelly explained that the Code allows for Cell Towers in Public Facility and General Industrial Zoning with a Conditional Use Permit. Mr. Kelly explained that Mr. Sindyla has been advised that he will need to apply to the Board of Zoning Appeals to allow the tower. Mr. Kelly stated Mr. Sindyla would like to move forward with the Public Hearing and then will apply for a variance. Applicant presentation, Members, Audience. Motion to refer to the Regular Order of Business, second, roll call.

Motion to adjourn Public Hearing, second, roll call.

Regular Meeting

Call to order.

Roll call.

Approval of minutes - July 16, 2008. Motion to approve the minutes of July 16th, 2008, second, roll call.

Old Business

Planning Commission Agenda Reviewed.

Timberlane Estates Phase V - tabled. No action.

Ordinance No. 07-73 - tabled. Applicants present. Mr. Schmitzer to give report recommending that the Ordinance be passed on to Council for approval. Motion to remove from table. Mr. Schmitzer report. Motion to recommend to Council adoption of Ordinance No. 07-73. Roll call. Woodcroft Glen, Ext of Woodcroft Trace, Final Plat 2, tabled. No action.

New Business

Conditional Use Permit - T Mobile USA, Inc - Applicant to appear before BZA. Motion to table, second. Roll call.

Site Plan Approval

14496 Ridge Road, LLC - Applicant to make presentation. Mr. Schmitzer has items that need to be addressed. Motion to table, second, roll call.

OSWGI, Ltd. Partnership - Applicant has applied to BZA. Motion to table, second, roll call.

Subdivision Approval

Worthington Phase II, Revised Preliminary Plat Approval.

Applicant requested to be tabled. Motion to table, second, roll call.

Utility Plan Approval

at&t 11291 Abbey Road - Applicant to make presentation. Residents.

Motion to approve, second, roll call.

at&t 11993 Harbour Light Drive - Applicant to make presentation.

Residents. Motion to approve, second, roll call.

Miscellaneous

Ms. Fashempour stated that with the items tabled and applicants working on additional submittals and appearances before BZA, no new submittals for Planning Commission, September 17th, 2008 Planning Commission Meeting cancelled.

Adjournment

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

Chairman Sandora stated Good Evening Ladies and Gentleman welcome to the North Royalton Planning Commission Meeting for September 10th, 2008, this is the Public Hearing portion.

Chairman Sandora stated Ms. Fashempour please call the roll.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, September 10, 2008 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:33 P.M.

Present: Mayor Robert A. Stefanik, Don Willey, Council Representative to Planning Commission/Vice Chairman, Tony Sandora, Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Thomas A. Kelly, Law Director, Mark Schmitzer, P.E., City Engineer and Brenda L. Fashempour, Secretary.

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

Public Hearing - Conditional Use Permit

Public Hearing on the question of granting a Conditional Use Permit for T Mobile USA, Inc. - Applicant, John Sindyla, Property Owner, Albion Auto Center/Dejan's Continental Auto, 12950 Albion Road, PPN 481-05-030/481-05-031, Commercial Service Zoning. T Mobile USA, Inc., is proposing the installation of a 120' high flag pole tower within a 30' x 45' fenced compound.

Ms. Fashempour stated she does have one letter that she received today, and she would like to read it into the record.

Ms. Fashempour read the following;

James D. Vince
9957 West 130th Street
North Royalton, Ohio 44133

To Whom It May Concern:

I would like to object to the proposed cell phone tower to be placed at 12950 Albion Road, North Royalton.

I am objecting due to the future property values, and unknown health issues.

Sincerely
James D. Vince

Ms. Fashempour stated that's all she has Mr. Chairman.

Chairman Sandora stated Thank You Ms. Fashempour.

Chairman Sandora stated Mr. Sindyla is here, would you step forward please, state your name, your address and present to us what you would.

My name is John, John Sindyla, 7425 Royalton Road, 44133, the proposal before you tonight is to locate a 120 foot flag pole tower at 12950 Albion Road, which is Albion Auto Clinic. Mr. Sindyla stated to give you an idea of the location, proposed location of the tower, it is immediately, he doesn't know if anybody wants to see this, immediately to the rear of the, actually turn this around, this, immediately to the rear of the existing Get Go gas station within the fence compound currently which, encompassing the entire property of Dejan's Continental Auto Clinic. Mr. Sindyla stated the tower will be 120 feet tall and would be a, essentially a flag pole, all antennas, all coax cables would be located with inside the tower and the flag would lower and raise for a many reasons and what he is passing out are examples of two such type towers that T Mobile has constructed in the City of Seven Hills, one of those at Highland Heights Community Park is 120' tall and the other one is at Seven Hills City Hall, it is 140' so that's exactly what the representation of the tower is going to be, a, the actual tower itself, he has a picture of that as well, photo simulation showing before and after of this location imprinted with the tower on the actual pictures of the surrounding view of this property. Mr. Sindyla stated as he mentioned all, all antennas, all coax cables will be mounted inside the tower, the closest residence, actual residence to this tower would be Mr. James Vince who sent the letter, his residence is 240' from the actual tower itself north and if you can see on this potential drawing, this view would look over the entire strip shopping center complex to the actual tower itself so this is, this is his residence right here, he would look over this what is currently, he lives over the current shopping plaza to the tower, the closest residence other than Mr. Vince is 407' away which is directly to the east, and he doesn't have a name on that one but it's just over the existing lot which is immediately adjacent to Dejan's, so there's Dejan's, there is an existing residential lot which has been empty since he has lived in North Royalton and then the house directly to the east of that, so essentially the City Code requires that, as Mr. Alvarez had mentioned that all building uses which, within 350' needs to be shown on the plans and so this potential, this plot plan exactly shows that, the only residence that is actually in this 350' is Mr. Vince's. Mr. Sindyla stated the rest of them area outside the 350' and frankly only touches, this, this radius touches one, two, three, four, only five residential parcels in this area of the City because of the nature of where West 130th is and there is Strongsville which are not you know present for this proceeding, it doesn't touch any other residential properties except for those. Mr. Sindyla stated he would like to get into why you know we need this particular site under the Telecommunications Act of 1996, T Mobile as well as all wireless carriers are mandated to provide as best as possible there continuous coverage, non-interrupted coverage to their customers and so in this particular area of North Royalton the surrounding sites that we have for only, only provide coverage except for this particular area of the City. Mr. Sindyla stated and what happens is, what this shows you is, the current coverage of, of this area of the City and so what the first page shows you what happens currently right now as of today drop calls he lives down the street so when he goes to Maria Gardens he experiences this quite a bit and a so then when you flip the page when the site gets turned on we basically

cover a gigantic hole along West 130th, Albion and this particular intersection. Mr. Sindyla stated the growing, the growing trend among T Mobile and all the wireless carriers is to provide residential coverage a for the main reason, that people want to use their phones in their homes as opposed to driving, going to work that kind of thing. Mr. Sindyla stated as you know a as probably Mr. Alvarez can probably tell you, new homes today frankly aren't even built with phones in their homes for the most part and so T Mobile as well as all the other carriers, at&t, alltel, sprint, they are all trying to cover the residential areas because people want to use their phone 24 hours a day so that's the proposal that he has for you today a, he can answer any questions or obviously there are people who may have questions or comments but if you have any questions of him he can answer that currently.

Chairman Sandora stated is there anyone in the audience that would like to speak on this subject, if you do raise your hand, come forward, he will call you up, come forward to the microphone, state your name, your address and a direct your questions or comments to the Board and the Board will direct Mr. Sindyla to answer you, the Gentleman.

Ms. Fashempour stated Thank You.

Resident stated he is the second property, his name is Frank Feleppelle, he and his wife Anne who is present today, they live at 12706 Albion Road, we have been there for approximately 18 years and a he has a Verizon phone and it works perfectly well within that area.

Mr. Felelleppe stated this is not just a flag pole, this is a 12 story multi-ton cell tower proposed for the border of Ward One and encompassing the Strongsville residential area as well. This will be a visual blight on our area forever. It will bring unseen microwave radiation to the neighborhood with it's large array of transmitters and receivers. We ask the Planning Commission to deny this Conditional Permit to T Mobile.

It has already been proven from west coast to east coast that the negative impact to property values is staggering. Professional Real Estate appraisers have shown a decrease in property values from 11 to 35%, and in some cases, exceeding that depending on the region of the Country.

Those of us who are counting on the equity from our homes to help sustain us as we grow older and retire will be in for a tremendous economic shock if this permit is approved.

I addition to the current economic downturn in the housing market, this decrease in property value would create an unfair burden on the homeowners of North Royalton. We do not need anymore bad news on the economic front.

We ask, have the cell tower providers answered these questions?

1 - Have they properly demonstrated a need for a tower at this site? They can't just say we need this tower to improve service.

2 - Has the cell tower provider given evidence that the tower could not effectively be erected at a more suitable site?

3 - Can the cell tower provider establish that wireless service is not provided by other carries in the area?

4 - Can the cell tower provider prove that the proposed tower would not pose a substantial detriment to the surrounding properties?

No one profits from this tower except the cell tower provider and the property owner.

This is relatively new technology - only 40 years old - and much data still needs to be accumulated concerning the long-term health effects. While the cell companies declare that there are no dangers from the radiation exposure they continue to see huge profits, there is much evidence to the contrary from the Government, as well as, doctors and scientists on the health risks to the population.

No Government agency will affirm cell towers are as safe and pose no hazards.

It has been recommended that cell-phone towers be erected at least 1500' from any residential area or area where people congregate, and that cell towers be grouped in areas that are non threatening to the public as opposed to many scattered towers causing an umbrella effect or a City.

We have an opportunity to minimize the amount of RF energy that we are exposed to each day. As human beings, we all generate an RF field in our bodies. When this RF field contacts another RF field there is an event an electrical event that occurs. We have no idea what the long-term effects are, they are still being studied.

I live and work in North Royalton. I absolutely do not want to come home everyday to see a cell towers in my back yard and I do not want to move from this area. I hope the Planning Commission understands our concerns and finds the time to research the internet to understand what a large issue this is in the world before grating this Conditional Permit.

Just because the government gave them the right to build such towers in 1996, it doesn't mean that we have to allow the building of these towers for the sake of their profits and to the detriment of our residents. Other cities across the U.S. have utilized their authority and denied building of these towers near residential areas where the local residents can be at risk.

Respectfully submitted by,
Frank and Anne Feleppelle
Residents of Ward One
12706 Albion Road
North Royalton, Ohio

Mr. Feleppelle stated Thank You very much.

Chairman Sandora stated Thank You Sir, he saw another hand up, Sir, step forward, your name, home address.

Mr. Thorkelson presented Ms. Fashempour with his comments, comments on file.

My name is Ken Thorkelson, he is the third property owner, he is at 12652 Albion, he will be brief he had some more statements that he wanted to make but he would like to make it brief, first in your plan he mentioned that he will be able to drop the tower to work on the tower, what is on this pole that can be dropped, he doesn't see any, the flag itself.

Chairman Sandora stated John, come up to the microphone please.

Mr. Sindyla stated the flag is the only thing on the tower that can be raised and lowered.

Mr. Thorkelson stated all right, and secondly at night how will this tower be lit, there is a currently 120' pole tower by the McDonald's over on Ridge and a, 82 is there going to be any lights on top of this tower, blinking lights, something to show safety.

Mr. Sindyla stated currently the FAA does not require this tower to be lit but the City Code requires it. Mr. Sindyla stated so T Mobile does not want to light this tower but under the City Code anything over 100' has to be lit.

Mr. Thorkelson stated and what kind of lighting is that going to be is it.

Mr. Sindyla stated a blinking strobe light so, if it was our choice, we don't have to put one up, the FAA has said so, but it's the City's discretion on it.

Mr. Thorkelson stated all right and his, the point he would like to make, representatives from the industry are quick to point out that microwaves emitted by cell phone towers are well below federal standards and they may indeed be and, at least on paper, most towers operate at an output of 100 watts but that isn't the total wattage of the tower, what they aren't telling is that 100 watts is the power per channel, one tower may have dozens of channels and the output could be highly excessive when well beyond the 100 watts, this is a technical loop hole. Mr. Thorkelson stated who is monitoring the output of these towers after they are erected the FCC certainly isn't, it does that, it does not have the manpower or the money to regulate the million of towers and antennas on line, whose to prevent these Companies from turning up the wattage when no one is watching. Mr. Thorkelson stated so his question would be what exactly is the wattage that's going to be emitted from this tower and who will be responsible to make sure that they don't change this say six months down the road and 10 times their wattage.

Mr. Sindyla stated well, were mandated to operate our site under the rules set forth by the Federal Government so we can't create.

Mr. Thorkelson stated but, but, how many watts are coming off the tower?

Mr. Sindyla stated the bill for this tower, the electric bill is \$175.00 a month which is basically to light your house.

Mr. Thorkelson stated but, but that's, he is talking about the wattage of.

Chairman Sandora stated he is talking about the transmitting wattage Mr. Sindyla.

Mr. Sindyla stated oh, okay, he doesn't have that, he can get that for you, honestly, this is Public Hearing so we will be back in front of you obviously.

Mr. Thorkelson stated all right, he thinks that will be a very big issue to the, the people that live within the 1500 mile radius, 1500' radius, you say it's 350 but.

Mr. Sindyla stated well, well, well, that's what the Code says but he would like to say is that the Federal Government has indicated and has set forth the Telecommunications Act that environmental affects of these towers can't be discussed and can't be the basis for any decision by, by any Board from any City in the United States of Amercia so even though you may have that opinion, and everybody here that you are very entitled to that but that decision cannot be discussed and cannot be set forth in any type of Municipality, Township, County, Federal level.

Mr. Thorkelson stated and he also understands that at one time the Federal Government told us it was okay to smoke there was no.

Mr. Sindyla stated actually it is true so he can give you the documents.

Mr. Thorkelson stated he thinks part of their plan should be the wattage that we can expect per channel coming off this tower and how many channels we can expect to come off that tower he thinks as residents we need to know that and last if the City grants this request he believes that everyone within a one mile radius of this tower needs to be notified why the City of North Royalton is willing to let us lose value in our homes at a time when our taxes are at the highest, please let them explain to us why we cannot sell our houses due to just the perception of a health risk combined with what most would consider an eyesore and that will drastically lower property values of anyone living near this cell site.

Chairman Sandora stated Thank You.

Ms. Fashempour stated Thank You Sir.

Chairman Sandora stated Mr. Sindyla the Gentleman has asked a couple good questions there and maybe when you come back you could he knows that, that is under the Federal Communications Act so and that's pretty much controlled and regulated by the amount of wattages that they are allowed to use so if you could have that information at the, at the next meeting, anybody else in the audience.

Chairman Sandora stated Mr. Nickell's or Councilman Nickell.

John Nickell, Councilman Ward One, 10092 Hawley Drive, he a, just for the record, he has received many calls from residents who are not in favor of it and it doesn't, it doesn't look real good on the picture for him and it's right up front, so we probably would not be favor of this.

Chairman Sandora stated is there anybody else in the audience on this, on the Board, anybody have any questions or concerns.

Chairman Sandora stated Mr. Alvarez can you address the one the Gentleman asked about the lights, can you address that how it's stated in your report how the lights have to be.

Mr. Alvarez stated okay a, Mr. Chairman the Section of the Code let's see, Section 1290.02 m all towers 100' or higher shall be artificially lighted at their highest point and it goes on to say in addition all FAA regulations addressing safety mark and obstruction lighting shall be followed when necessary, the tower light and all security lighting around equipment shelter is permitted but shall not filtrate unto adjoining parcel, our Code does require it once you have a tower over 100' and it should be FAA approved in terms of what in terms of intermittent inaudible flashing and so forth and that's basically what that, that Code Section is really stating.

Chairman Sandora stated okay, Thank You Mr. Alvarez.

Mr. Willey stated um, Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated a Mr. Alvarez, do you know what the FAA rule is he thinks Mr. Sindyla said that a, it wasn't required.

Mr. Sindyla stated each site is different so example sites near Cleveland Hopkins Airport or Cuyahoga County Airport, in a certain distance and if they are in line with their runways they need to be lit, and the FAA basically tells us that, in this particular case this tower does not need to be lit just because of it's location and pretty much away from any type of you know airport runway airport itself and so that's essentially what they have told us so.

Mr. Willey stated is there, is there height regulation.

Mr. Sindyla stated no, there, there, there, there, the height really has nothing to do with it, in some cases um if, if it's over 200 any tower has to be lit.

Mr. Willey stated okay over 200.

Mr. Sindyla stated but if under that you simply file an application with the Federal Aviation Administration and they tell you if it has to be lit or not and in this case it doesn't.

Mr. Willey stated okay.

Mr. Willey stated Thank You.

Chairman Sandora stated Thank You Mr. Willey.

Chairman Sandora stated Mr. Schmitzer do you have anything.

Mr. Schmitzer stated no, he has no comments at this time.

Chairman Sandora stated anybody else on the Board have anything, Mr. Kelly.

Mr. Kelly stated Mr. Chairman, Members of the Board, a we need to point out that the a Wireless Telecommunication Towers are permissible as Conditional Uses in only two districts, Public Use Facility and General Industrial, the property in question is Commercial Service it's a sub category of Industrial, in his view the matter needs to be addressed at this time by the Board of Zoning Appeals and he has had a brief

discussion with Mr. Sindyla about this, without a variance he doesn't believe that, that, that they can go forward, they are just in the wrong district. Mr. Kelly stated because it is a Commercial Service is a sub category of Industrial Districts, there is at least the potential that the Board of Zoning Appeals may grant a a Use Permit or a Use Variance for the purpose that is requested but as it stands now, he, he can't go forward without it.

Chairman Sandora stated Thank You Mr. Kelly, anybody else on the Board have anything, anybody else in the audience have anything, any questions.

Mrs. Feleppelle stated she has a question.

Chairman Sandora stated Ma'am you will have to come forward, state your name, your address, for the record please.

Anne Felelleppe, 12706 Albion. Mrs. Felelleppe stated she is just wondering if the residents across the street on 130th in Strongsville were notified of this as well, it's a new development that has gone in over there with quite a few homes.

Ms. Fashempour stated no they were not.

Mrs. Felelleppe stated and, she thinks they would be impacted as well and suggest they be contacted.

Chairman Sandora stated anyone else.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated to the Law Director, are we required to notify people in the next City or adjoining City's.

Mr. Kelly stated no we are not Mr. Willey.

Mr. Willey stated he sees.

Mr. Kelly stated and, and that's what Mrs., Ms. Fashempour was making reference to, you know, because it's a Public Hearing he knows everyone, the point is let everybody be heard on their, on their, but when there are questions like that a he knows there is always that hesitation do we answer the question or not but in respect in response to your question Mrs. Felelleppe we, we don't have a obligation to notify Strongsville Residents under our Code no more than Strongsville would have a similar obligation to notify our people if they were doing something on their side of the street.

Mrs. Felelleppe stated will take care of it.

Mr. Kelly stated he though you might.

Mr. Willey stated don't put them in the mailbox.

Laughs.

Chairman Sandora stated Thank You Mr. Kelly.

Mr. Willey stated Thank You Mr. Kelly.

Chairman Sandora stated Mr. Felelleppe you want to say something more.

Mr. Felelleppe stated yeah, just one further comment before he goes, although the Telecommunications Act of 1996 allows Cell Towers to go up, throughout the United States the way that they have been denied in residential areas is by the, by the use of denying them the permit to be able to do that and if that comes up and they need the variance that's, that's the vehicle to, to deny them the use in a residential area of putting this tower in, Thank You.

Chairman Sandora stated once more Sir.

Mr. Thorkelson stated just one last question, he knows we need to move on to other business, the picture shows a nice flag flying on the flag pole what about the antennas that are going to be on this.

Mr. Sindyla stated it's inside the tower.

Mr. Thorkelson stated there won't be anything on the outside ever, in six months when.

Mr. Sindyla stated no, no.

Mr. Thorkelson stated after you built your tower we are not going to get the, the full radius.

Mr. Sindyla stated no.

Mr. Sindyla stated that's what we are presenting as a Conditional Use Permit and variance, we have to agree to what our drawing shows.

Mr. Thorkelson stated okay.

Inaudible conversation.

Chairman Sandora stated anyone else in the audience.

Chairman Sandora stated he makes a motion to move this to the Regular Order of Business.

Mr. Willey stated second.

Chairman Sandora stated it's been moved and seconded to move this to the Regular Order of Business, Ms. Fashempour call the roll please.

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

Adjournment

Chairman Sandora stated can he have a motion to adjourn the Public Hearing. So moved Mr. Willey. Second. Mayor Stefanik. Chairman Sandora stated its been moved and seconded to adjourn the Public Hearing, Ms. Fashempour call the roll please. Roll call: Yeas: Five - Bull, McCarthy, Mayor Stefanik, Willey, Chairman Sandora. Nays: None. Motion carried.

Planning Commission Public Hearing for Wednesday September 10, 2008 adjourned at 7:55 P.M.

Chairman Sandora stated now he would like to call the Regular Meeting of the North Royalton Planning Commission Meeting for Wednesday, September 10th, 2008 to order.

The Planning Commission of the City of North Royalton met in the North Royalton Council Chambers, 13834 Ridge Road on Wednesday, September 10, 2008 to conduct a Public Hearing. The Public Hearing was called to order by Chairman Tony Sandora at 7:56 P.M.

Chairman Sandora stated Ms. Fashempour please call the roll.

Present: Mayor Robert A. Stefanik, Don Willey, Council Representative to Planning Commission/Vice Chairman, Tony Sandora, Chairman, Victor Bull, Michael McCarthy, Rito Alvarez, Building Commissioner, Thomas A. Kelly, Law Director, Mark Schmitzer, P.E., City Engineer and Brenda L. Fashempour, Secretary.

Approval of minutes: July 16, 2008. Ms. Fashempour stated approval of minutes July 16th, 2008 if you so choose.

Mr. Willey stated move to approve.

Mr. Bull stated second.

Chairman Sandora stated it's been moved and seconded to approve the minutes of July 16th, Ms. Fashempour please call the roll.

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

Chairman Sandora stated approved.

Old Business:

Harry Hayes, Timberlane Farms, **Timberlane Estates Phase V.** Revised Sketch Plan Approval. Tabled.

Ms. Fashempour stated Timberlane Estates Phase V, it is tabled, no action.

Ordinance no. 07-73 - An Ordinance accepting the Dedication of 1,621 feet of Mahican Way, 649 feet of Shawnee Circle, and 822 feet of Chippewa Path in the proposed Indian Trails Subdivision, Phase 1 from Woodhill Properties, Inc., and Declaring An Emergency. Tabled.

Ms. Fashempour stated it is tabled, the Applicants are here this evening, if, so be it, she can have a motion to remove it from the table.

Mr. Bull stated motion to remove.

Mr. Willey stated second.

Chairman Sandora stated it's been moved and seconded to remove from the table Ordinance 07-73, Ms. Fashempour please call the roll.

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

Chairman Sandora stated the Applicant is here, step forward, state your name, your home address and what you would like to do.

Robert Nottrodt 26750 Schubert Drive, Westlake, he is here tonight to start our process for dedication of the Indian Trails Subdivision Phase 1.

Chairman Sandora stated Thank You Sir, Mr. Schmitzer is there anything you would like to add to this.

Mr. Schmitzer stated yes Chairman, the Engineering Department has worked with the Developer, there was a quite lengthy punch list of items that needed to be corrected that the Developer has gone through and to the satisfaction of the Engineering Department completed, he would have to say probably 99% of those, there are a couple things out there that we are still working on, the developer is working diligently to get those done over the next week here but the Engineering Department feels very comfortable in saying that everything has been done to our satisfaction and we would support granting the Ordinance accepting dedication of these three main roadways.

Chairman Sandora stated okay Thank You Mr. Schmitzer and again just for the record, you are saying that the punch list has been approved to your recommendation.

Mr. Schmitzer stated yes Sir.

Chairman Sandora stated okay Mr. Alvarez do you have anything.

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

Chairman Sandora stated anybody on the Board have anything.

Chairman Sandora stated anybody out in the audience have anything on this.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Mr. Willey stated based on the Engineering recommendation and the fulfillment of the punch list he recommends that we approve that and make a motion to approve.

Mayor Stefanik stated second.

Ms. Fashempour stated recommend to Council adoption.

Mr. Willey stated and also to recommend to Council for approval.

Mayor Stefanik stated second.

Chairman Sandora stated it's been moved and second to recommend to Council for adoption of Ordinance 07-73, Ms. Fashempour please call the roll.

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

Chairman Sandora stated Good Luck.

Mr. Nottrodt stated Thank You very much.

Woodcroft Glen, Royalton Road, GB and RMD Zoning. Woodcroft Glen Phase 2 Final Plat - Approval. Tabled.

Ms. Fashempour stated Woodcroft Glen tabled, no action.

New Business

Conditional Use Permit

Conditional Use Permit for T Mobile USA, Inc. - Applicant, John Sindyla; Property Owner, Albion Road Center/Dejan's Continental Auto, 12950 Albion Road, PPN 481-05-030/481-05-031, Commercial Service Zoning. T Mobile USA, Inc., is proposing the installation of a 120' high flag pole tower within a 30' x 45' fence compound.

Chairman Sandora stated he will make a motion to recommend this go to the Board of Zoning Appeal and this be also tabled.

Mr. Willey stated second.

Chairman Sandora stated moved and second, Ms. Fashempour please call the roll.

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

Ms. Fashempour stated okay, now, the Code allows Planning Commission 60 days to act on a Conditional Use Permit unless a request for an extension to Council is requested by Planning Commission. Ms. Fashempour stated September's meeting has already been posted so they are not going to get on for September so we are in to the end of October, so that's going to be your 60 days they won't be back here in time for the 60 days, can she ask Planning Commission to ask Council for 30 day extension.

Chairman Sandora stated Mr. Sindyla.

Mr. Sindyla stated he does have a question, when he spoke to Donna Vozar the Assistant Law Director, she indicated that there is a special meeting that we could, we could pay for to have earlier.

Ms. Fashempour stated you can request a special meeting of Board of Zoning Appeals yes.

Mr. Sindyla stated yeah, he thinks we will probably do that, let him check with T Mobile, he doesn't want to belabor this point any more than a, to keep going.

Ms. Fashempour stated okay, but she doesn't want to get caught, she doesn't want Planning Commission to get caught up, because if we don't act on it then you automatically become approved so she is trying to.

Mr. Sindyla stated right, let me a, can a special meeting be held at any time, like we obviously tell you when or do you schedule it, how does that work.

Ms. Fashempour stated they would, Julie would schedule it, she means what you would have to do is contact her and she would have to find out from her Board Members whether or not they could make a special meeting.

Mr. Sindyla stated okay.

Ms. Fashempour stated and then it would be set up that way, you know with the 15 day notification process and, and everything else like that.

Ms. Fashempour stated she could wait until the first meeting in October and ask for the extension, if it doesn't look, would that, would that be suitable.

Mr. Kelly stated yes.

Ms. Fashempour stated okay.

Mr. Kelly stated he thinks that Mr. Sindyla has indicated that he wants to pay for or request his client pay for a special meeting of the Board of Zoning Appeals and if that is done, it will be, it should be done, presumably by the first week of October he would think.

Mr. Sindyla stated if we act quickly enough would it be held the same night as the 22nd meeting.

Ms. Fashempour stated no, no.

Mr. Sindyla stated okay, so it will be something, a week after that or so.

Mr. Fashempour stated yeah.

Mr. Sindyla stated he, he will call Julie.

Ms. Fashempour stated Julie.

Mr. Sindyla stated get that rolling, that way you kind of, you are not in that situation.

Ms. Fashempour stated okay, then she will hold off until October 1st and then if, if things don't look like they are favorable then we will ask for the 30 days at that time.

Mr. Sindyla stated okay.

Ms. Fashempour stated okay.

Mr. Kelly stated Thank You Mr. Sindyla.

Chairman Sandora stated Thank You.

Site Plan Approval

14496 Ridge Road LLC, PPN 487-02-009/010, 14496 Ridge Road, General Business Zoning. Building and Site Plan for Dr. Sam Papandreas - Approval.

Ms. Fashempour stated she believes that the Applicant is here.

Chairman Sandora stated the Applicant is here, step forward please, state your name, address and tell us what you would like to do.

I am Doctor Sam Papandreas proposing an office building in that location for his personal practice and potentially another health provider.

Just for purposes of information a, Good Evening, Mr. Chairman, Members of Planning Commission, my name is George Papandreas and he is the developer acting as the agent for the owner Doctor Papandreas and Mr. Davison here shortly who is the Architect who is going to be making the presentation.

Chairman Sandora stated Thank You.

So I am Bill Davison, 26031 Center Ridge Road, Westlake, Ohio and as Doctor Papandreas indicated we are proposing approximately an 8400 square foot one story office building with.

Chairman Sandora stated Sir, could you move that microphone just a little bit towards you so we record these and we want to make sure everything being heard, that's good.

Mr. Davison stated you know, maybe, maybe if somebody held this, he.

Chairman Sandora stated you can take that microphone off there if you want and hold it and slide it forward.

Mr. Davison stated all right.

Chairman Sandora stated don't start dancing though.

Mr. Davison stated it's, pretty much he means, it, it is as indicated but the building does meet all, all of the Zoning Ordinances as far as the setback requirements, we are meeting all the parking and the building setback requirements, we are proposing 41 parking spaces which also meets the Zoning Code for a medical office building, in your plans we have indicated the extensive landscaping, we are providing some tree scape landscaping along the street some, some buffering at the rear and he did noticed even today that there is a wood fence along the rear but we would have additional buffering, evergreen buffering and then we have provided some perimeter landscaping around the building comprising of low shrubs, ground cover and some trees, we also have provided for a screen dumpster enclosure at the rear of the property site lighting will be accomplished with a 20' high poles lights and as we indicated in your package we are proposing a ground mounted sign which is within all the Zoning Code requirements and that sign will be externally illuminated with ground mounted lights. Mr. Davison stated as far as the elevation, the building will be completely brick, brick building with some masonry unit type accents striping and a base because the building is kind of on a slope which we will work with the slope, we wanted the key elements of

the building is, we are accenting two entry features, as Doctor Papandreas had indicated he, he is moving into the rear part of the building, so we have created kind of an entry tower into his space and then we have developed another little entry tower into the adjoining space. Mr. Davison stated it's basically going to be kind of a residential type construction with, with a, fiberglass shingle type roofing and we, you know have some accent bands of, of sandstone window lintels and ceils and we really think it will be quite an asset to the community and he thinks right now were, you know we do not have any engineering, we are kind of asking for your preliminary approval and, and your thoughts.

Chairman Sandora stated well he will have to tell you, it's a very, very nice looking building a, have you read the comment though from the Fire Department and from the Engineering Department on their report he means that is one location that very, very difficult traffic wise in that area over there and he doesn't know what the consensus would be or could be from that. Chairman Sandora stated the Fire Department is quite extensive on that, you said the Doctor is moving in the back part of the building, what's the rest of the building going to be used for.

Mr. Davison stated it will be another medical tenant.

Chairman Sandora stated then pretty much the entire building will be medical then.

Mr. Davison stated you know he did see the comment from the Fire Department and he really doesn't think this type of facility would really be generating that kind of a traffic flow, a medical office building he doesn't know how many cars you think would be coming.

Discussion between the Papandreas and Mr. Davison.

Chairman Sandora stated he is just making you aware of the report.

Mr. Papandreas stated right.

Chairman Sandora stated he is going to you know look to them or whatever.

Mr. Papandreas stated he thinks it is important to point out if he may a.

Chairman Sandora stated your name Sir.

Mr. Papandreas stated George Papandreas, Papandreas, Papandreas either way it's fine. Mr. Papandreas stated he just wanted to point out a couple things with respect to the traffic again, it is a medical use, it's an office use for that particular kind of use it's probably the lowest type of, of movement that you would see for a commercial type character of this, of this, this kind, also you know we are trying to be sensitive to where the curb cut is and work with and the adjacent curb cuts or curb cuts that across from it and, and, and lastly but not least he thinks what we are trying to accomplish here and you are probably, if you are not aware of the site currently they, is a vacant and abandon home that's there right now obviously that's going to be demolished he thinks Mr. Schmitzer had pointed out in his review that we did not

include that as part of the plan, we certainly will intend to do that but a, the character of this particular project he thinks is in keeping with the scale and the quality of the neighborhood that it is, that it, that it, that it sits in and he thinks that is an important, he thinks that is an important characteristic that we have really been very, very sensitive to with it being single story, the type of materials and the type of elevations and the quality of landscaping that we are proposing there. Mr. Papandreas stated in addition addressing the engineer's comments again, we are aware of the fact that there are two permanent parcel numbers there you should note that the perimeter boundary that's represented on these plans is in effect the consolidated boundary profile that should be accurate, we are going to confirm because there was a question about that and then lastly with respect to storm sewer because of the character of the site and the way we want to try and improve it's image all the stormwater is going to be retained underground in the existing stormwater design and we didn't do that just yet because we felt it was important to be before you first of all, get your thoughts and your comments on it before we went ahead and started doing actual detail engineering to accommodate respective Ordinances and Codes in connection with that design so.

Chairman Sandora stated Thank You.

Mr. Papandreas stated sure.

Chairman Sandora stated anybody else, any other comments, Sir.

Chairman Sandora stated Mr. Schmitzer.

Mr. Schmitzer stated Mr. Chairman, he thinks everyone is aware of the comments from the, the Engineering Department and he has listen to, to some of the, the statements made here, he, he does tend to agree with the applicant that this use is one of the lower types of uses for affecting traffic in the area as they stated a it's, it's not a place that people really want to go, people really don't like to go to the Doctor so a, you have a lot less people going there so, he doesn't know if he would really request a traffic study at this point he thinks it's based on some standards from ODOT, he thinks he would feel comfortable in, in saying that he doesn't see an increase in traffic from this proposed development but in regards to the survey, that, that is something that we would like to see and we would like to, to also see the existing conditions just because the concern with putting a large commercial impervious pavement and structure on a site that is currently grassed mostly in it's entirety and with the, the current stormwater issues throughout the City we are particularly sensitive to that issue and just some sort of rough estimate or a concept idea is something that we are looking for at this point so until he, until the Engineering Department sees something of that nature he, he doesn't feel comfortable in, in granting a favorable acceptance of this at this point other than that he thinks it is a great idea and.

Mr. Papandreas stated yeah and we are not in part, and forgive us were, this is the first time that at least a, profile as developers made a presentation before this, this body but he thinks we were seeking and we were planning on, on going to the ARB after this, he believes it is September 22nd and he doesn't know whether or not that requires your recommendation to at least move to that until we can then go ahead and

address the issues associated with the City Engineer and if need be come back then for the final approval on, on the overall project then, we would certainly support that and a, and a, and pursue that.

Chairman Sandora stated yeah, you can, are you.

Ms. Fashempour stated they would be scheduled for Architectural Review Board, Architectural Review Board probably will not approve you until Planning Commission approves the site and the building but she means you can at least go there and, and you know explain your plans and, and get any details that they may have as far as you know lighting and, and landscaping or anything else that they may require that you know may.

Chairman Sandora stated yeah, you can get all their thoughts and all their comments from them and then when you come back to us you have that information, you can put it on your plans and then come here and you will go back there and it will be you know one, two then.

Mr. Papandreas stated okay so we.

Chairman Sandora stated this way you will have an idea instead of going from here to there.

Mr. Papandreas stated right.

Chairman Sandora stated and then them wanting you to change something or do something and maybe have to go back again so he means, you have to get this stuff together anyway.

Mr. Papandreas stated yeah right.

Chairman Sandora stated so you would be saving a.

Mr. Papandreas stated so Mr. Chairman, the ARB then is not in a position to basically say that, if all these items that we have reviewed in this meeting that we have on the 22nd are complied with and if the Planning Commission then subsequently goes ahead and makes that approval for us to be able to move on beyond them or do we still have to go back.

Ms. Fashempour stated it would depend on how they make their motion, she means they could make it contingency.

Chairman Sandora stated yeah.

Mr. Papandreas stated that exactly, if that's a possibility we certainly are going to try that.

Ms. Fashempour stated upon coming back before before Planning Commission but we can't speak for them as far as what they are going to request.

Mr. Papandreas stated sure, he understands but that is something that they would probably, would be willing to entertain at least if it is satisfactory in their minds.

Ms. Fashempour stated and she is sure that Mr. Jordan, you, you will be at the Architectural Review Board meeting.

Mr. Jordan stated yes, he will speak to them shortly after the meeting.

Mr. Papandreas stated okay, great, terrific, that's, that's what, Thank You very much.

Mr. Willey stated Mr. Chairman.

Mr. Willey stated he has one question on the northern side of a on the northern side of that, there are parking spaces there and then there is a property line, will you have any buffering, there is a business and a single family house to the north of this that would be along there is there any buffering requirements Mr. Alvarez.

Mr. Alvarez stated that's, that's all the same zone, zoning.

Mr. Papandreas stated it's the same zoning.

Mr. Willey stated zoning is the same.

Mr. Alvarez stated yeah so, it doesn't necessarily have to have a buffering there.

Mr. Willey stated okay.

Mr. Papandreas stated that's the machine shop.

Mr. Willey stated correct, yeah.

Mr. Willey stated he concurs also with the Engineer regarding the traffic Mr. Chairman, the, the Police Department had no comments on it they, they normally would address those types of things and a knowing the area if a congestion occurs at 7:30 in the morning for the schools and usually at 2:30, 3 o'clock so a you can advise your patients to make late appointments.

Mr. Willey stated Thank You Mr. Chairman.

Chairman Sandora stated Thank You Mr. Willey, Mr. Alvarez do you have anything.

Mr. Alvarez stated Thank You Mr. Chairman, a he concurs with the City Engineer regarding the stormwater issues and he just made a quick note about tying all the downspouts into the storm drainage and so forth, as well as your signs, it kind of goes separate to ARB as well, but they also go to us, the Building Department, we will review it and then he gives his recommendations to ARB for their approval so that as well have to go to ARB and lastly he always is particular about handicap accessibility, he realizes these are not complete drawings that you have given us but a, he would like to see how the accessible routes are for handicap including the signage and dimensions of the stalls and the ramps and so forth.

Mr. Davison stated well we do have handicap stalls indicated.

Mr. Alvarez stated he understands that.

Mr. Davison stated and there would be a ramp at that point.

Mr. Alvarez stated right and, and he understands that what you gave us is conceptual right at this point but just to let you know, most Building Officials like to see that, it very important for us to look at, no other comment Mr. Chairman.

Chairman Sandora stated Thank You Mr. Alvarez, anybody else on the Board have anything.

Mayor Stefanik stated Mr. Chairman.

Chairman Sandora stated Mayor.

Mayor Stefanik stated if he could just add, through this whole process, if you could deal with our Economic Development Director he knows sometimes meeting to meeting to meeting can get very confusing and take a lot of time and our goal is to shorten that time any way we can to make it a pleasant experience for not only you but for the City and we would like to see this up and running as soon as possible he believes, speaking for himself at least, Good Luck.

Chairman Sandora stated Thank You Mayor, anybody in the audience have anything, any comments or questions or concern on this.

Mr. Willey stated Mr. Chairman.

Mr. Willey stated one other thing, does, did these two lots have to be consolidated.

Chairman Sandora stated yes.

Mr. Willey stated yes, okay so you will have to do the lot, lot split and consolidation.

Mr. Papandreas stated for some reason, he doesn't why but our Engineer didn't show the interior line that would have identified the two parcels when he got the report from the Engineer he was somewhat taken back by that but a we intend to do that he did get confirmation from him though that the perimeter boundary is accurate in relationship to the consolidation of both of those lots so.

Chairman Sandora stated so you will have your consolidation and everything ready then the next time you come here.

Mr. Papandreas stated yes, yes, absolutely.

Chairman Sandora stated okay, anybody else have anything, he will make a motion to table this.

Mr. Willey stated second.

Chairman Sandora stated it's been moved and second to table, Ms. Fashempour please call the roll.

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

Mr. Papandreas stated Thank You very much, pleasure meeting all of you.

Chairman Sandora stated Thank You, Good Luck.

Mr. Willey stated Good Luck.

OSWGI, Ltd. Partnership, PPN 488-06-008, Ridge Road, TCD-4 Zoning. Site Plan Approval for two (2) 180 feet radio towers with associated communications equipment.

Ms. Fashempour stated the Applicant is here, she believes that they have applied to the Board of Zoning Appeals for a variance, if you would like him to come up and make presentation or you would like to hear from Mr. Kelly either way.

Chairman Sandora stated Mr. Kelly.

Mr. Kelly stated may it please the Chair and the Board, the request is for two brand new radio towers on the existing radio tower site, the a site is now part of the Town Center District, as a result the existing towers are nonconforming, are a nonconforming use on that property. Mr. Kelly stated the request by the Applicant for two additional towers is effectively a request for an expansion of a nonconforming use and for that they have to go to BZA so that's, that's where they are headed.

Chairman Sandora stated Thank You Mr. Kelly.

Chairman Sandora stated do you want to talk to the Applicant.

Chairman Sandora stated make a motion to table.

Mr. Willey stated so moved, second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll.

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

Chairman Sandora stated tabled.

Subdivision Approval

Worthington Phase II, Revised Preliminary Plat Approval.

Ms. Fashempour stated she received a letter today from the Applicant requesting to be tabled so if she can have a motion to table.

So moved Mr. Willey.

Second Mr. Bull.

Chairman Sandora stated it's been moved to table Worthington Phase II, Ms. Fashempour please call the roll.

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

Utility Plan Approval

at&t requests permission to place an above ground cabinet within an easement near the side of 11291 Abbey Road on Clubhouse Drive, approval.

Chairman Sandora stated the Applicant is here, state your name and address for the record please and tell us what you would.

Mike Williams representing at&t, 13630 Lorain Avenue, Cleveland, he is here requesting permission to place an above ground cabinet in the easement near the side of 11291 Abbey Road.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Schmitzer do you have anything.

Mr. Schmitzer stated nothing to add other than the comments that we had in our report for notifying the Engineering Department 48 hours in advance and having a inspector paid for by the Applicant to oversee the construction of the cabinet.

Chairman Sandora stated Thank You.

Chairman Sandora stated Mr. Alvarez do you have anything.

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

Chairman Sandora stated anybody on the Board have anything.

Chairman Sandora stated anybody in the audience have, Sir, step forward please and state you name and home address.

Mike Casapis, he is the owners of 11810.

Chairman Sandora stated can you repeat your name and again please.

Mike Casapis, CASAPIS.

Chairman Sandora stated Thank You.

Mr. Casapis stated and we are the owners of 11810 Abbey Road, presently there is a box in the middle of the lot that is connected to the new, it's going to be connected to the new one and the one that is in front of the house, it's in the middle of the lot, it's in pretty bad shape, disrepair, wires are coming out and a, since both boxes are connected to each other, he thinks they need to address the existing box, either replace it, move it, he kind of would like to have seen it moved to one corner of the lot instead of the middle since they are doing this work in the new box, but definitely the box that is there right now needs to be replaced and he had a chance to talk to Mike and he is going to look into it and a kind of like to see this permission to be contingent to addressing the existing box situation, it is important.

Chairman Sandora stated Mr. Schmitzer what do you, your estimation that it's possible or close enough, what do you think Mike.

Mr. Schmitzer stated well.

Mr. Williams stated this particular site we are talking about, the box he is talking about is more in relationship to the second site that we have on the Agenda.

Chairman Sandora stated or you have two, oh yeah.

Mr. Williams stated yeah, they are very close to each other.

Chairman Sandora stated oh.

Mr. Williams stated but it's more in relation to the second request.

Chairman Sandora stated oh, so it's not this site.

Mr. Williams stated no.

Chairman Sandora stated okay, all right, we will just hold, hold you up a minute there Sir, then.

Chairman Sandora stated Mr. Jordan you had your hand up.

Tom Jordan the Community Development Director for North Royalton, at our prior meeting we had just approved a, another at&t utility box more commonly referred to as the refrigerator boxes, the Board in the past rightfully have been concerned about their appearance both in the right of way and on the private property, attempted to landscape and locate, locate them within areas that are unsightly for both the public and the neighboring private land owners, this is a concern many of the communities that these upgraded telephone services our located in Northeast Ohio, at the prior meeting he did indicate that we had requested from at&t a plan if they were going to do future phases, we are working through at&t and our own staff to ascertain approximately over 50 of these boxes throughout North Royalton we also understood that there are future phases to come for the at&t boxes however they are placed on sort of as needed budget basis, at&t has not been able to provide us plans for all of the future boxes, past practices of North Royalton relative to again trying to make them as unsightly as possible of course the Board will probably continue that practice, his Department would certainly recommend it, we will continue to try to work with at&t to try to get a better handle on how many of these are going out there, especially the ones that are located near the right of ways because we have a continued concern that if boxes are placed within the right of way areas and we widen that road of course we would ultimately have to pay to move the boxes that we just approved, that kind of a situation we do not want to occur, without detailed future plans were really not able to do that, the City is working and with at&t and other neighboring communities as best practices there occurring in order to address these issues both on a maintenance issue, sightliness issue and also about future planning but at this time, his Department really does not want to hold up the Applicant, this, these two current applications that are well within the private right of way because of these issues he will keep the Board informed as the planning and cooperation moves forward with at&t and also our neighboring communities.

Chairman Sandora stated so Mr. Jordan what you are saying on this site you would like to see landscaping.

Mr. Jordan stated actually he, he, he has no specific expressed opinion on how to best shield these two particular boxes, he was just informing the Board that because at the last meeting he had made a statement that we were going to ask for all future boxes and where they are located at so that we could systematically look at them, he doesn't have those plans, he can't report to the Board that we have an overall landscaping or sightliness maintenance problem worked out.

Chairman Sandora stated well this has been a heavy and hot discussion for many, many years as you probably know, many years ago he, he was, was an advocate that they start landscaping all these boxes because they are just an eyesore totally and you know you guys come back time and time again and say no we have no money to do it but yet you know some communities, they seem to be all landscaped and others there is nothing okay so he thinks maybe the City should make a stand on it period, he means if the City wants them landscaped then they should be made to landscape them if they don't want to do it then we don't put the boxes in.

Mr. Williams stated he, he, we, we will report back to the Board hopefully within the next box.

Chairman Sandora stated well what's going to happen with, if you, if you approve these or you approve the ones in the past are they going to go back then and landscape the other ones or is it going to be from, from now on.

Mr. Williams stated he doesn't know.

Chairman Sandora stated you know that's, that's the same situation we had before, exact same situation.

Mr. Jordan stated right he knows, and some of these issues are relative, they are a publicly regulated utility, there are allow to locate their equipment especially within the right of way, our ability to regulate them further, we want to look at some of the other practices that communities are undertaking but you know he, he, frankly the, his experience in the previous communities that he worked with, at&t was able to provide future plans for them, we would try to help them locate them at the best location we could and shield them in the best manner and there was enough inaudible about it. Mr. Jordan stated at&t is not able to tell him at this time where all these boxes are going, there only indication on these present boxes and that's all they have funding for at this time and they will try to keep us informed as new ones go in, he thinks in light of that the City should and you properly suggested look at specific legislation that might deal with this issue especially on the maintenance of landscaping issue.

Chairman Sandora stated okay, Thank You Mr. Jordan, anybody else on the Board have anything.

Chairman Sandora stated make a motion.

Mayor Stefanik stated Mr. Chairman.

Mayor Stefanik stated as far as he understands this is the last two boxes in what they call Phase One, this finishes up a Phase One project in the future he guessed there is a phase two and three coming down the line is this what we are to understand.

Mr. Williams stated he doesn't know anything about Phase II and Phase III of course he is not on that level, you know but.

Mayor Stefanik stated okay, as far as Phase One goes this is the last two that you know of coming down the pike.

Mr. Williams stated this year, yeah, and there are none schedule for next year as far as budgeting and planning and inaudible.

Mayor Stefanik stated okay, they haven't finished their budget yet for next year either, okay Thank You.

Chairman Sandora stated okay, Thank You.

Mr. Williams stated these two sites are landscaped though.

Mr. Willey stated right.

Chairman Sandora stated nobody else has anything, make a motion to approve.

Mr. Willey stated both or one.

Chairman Sandora stated no, just the one.

Mr. Willey stated second.

Chairman Sandora stated it's been moved and seconded, Ms. Fashempour please call the roll on the approval 11291 Abbey Road.

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

at&t requests permission to place an above ground cabinet within an easement near 11993 Harbour Light Drive, approval.

Mike Williams, 13630 Lorain Avenue in Cleveland, representing at&t request approval to place an above ground cabinet near 11993 Harbour Light Drive.

Chairman Sandora stated now is this the Gentleman.

Mr. Williams stated yes.

Chairman Sandora stated with this location, can you answer that question that he asked you if those boxes can be.

Mr. Williams stated okay, yes, this box is being placed, you can see where the box is being placed in the middle of the lot there, right next to that is an existing what we call service area interface that feeds a group of customers that way and then the box that he's in reference to is in the middle to the right of the page.

Chairman Sandora stated oh.

Mr. Williams stated that's another service area interface and that services a group that way.

Chairman Sandora stated okay, so that's, okay.

Mr. Willlliams stated so this box here is going to take care of both these service area interfaces.

Chairman Sandora stated all right.

Mr. Williams stated so rather stick another or trying to put another small above ground cabinet over there, the distance is close enough that we don't have to hurt engineering wise to service it from just this one above ground electrical pole.

Mr. Willey stated Mr. Chairman.

Chairman Sandora stated Mr. Willey.

Ms. Fashempour stated so you are going to do away with that one.

Mr. Willey stated Mike, Mike so are you going to remove that or just connect them.

Mr. Williams stated no, both these boxes are staying.

Mr. Willey stated the one that Mike.

Mr. Williams stated and the one in, that's in front of he believes it is your property there, he doesn't have any information on that box, he knows it is not tied in per say to this project here outside of that that conduit it being built to it.

Chairman Sandora stated so there is conduit being built to it.

Mr. Williams stated yes it is.

Chairman Sandora stated so do you think that the box would be able to be removed afterwards or no, or at this time.

Mr. Williams stated there are doing one of two things, they are either keeping it the way it looks now or there are.

Chairman Sandora stated okay.

Mr. Williams stated or they are skinning it or replace it.

Chairman Sandora stated or replace it, well either way, if the box is deteriorating it would be replaced with a new box or there might be a possibility that the box would be replaced totally, removed all together.

Mr. Williams stated he doesn't see it being removed all together.

Chairman Sandora stated okay, that was his question, it won't be removed but in any case it will be resurfaced or re-boxed or something for them.

Mr. Williams stated he, he, he doesn't have the plans for that, he can't tell you that it's being done but he gave him his card and number.

Chairman Sandora stated okay, and you will work with him.

Mr. Williams stated yes.

Mr. Casapis stated the concern is, quite a few years ago when people attended the box, he asked them if they are going to do something about they say inaudible but the doors are, some times are open, wires are protruding, he doesn't know if you have your electricity in there or not but kids could go in and touch it and get electrocuted to inaudible so anyway that, that is normally an eyesore so he would say maybe it needs changes.

Chairman Sandora stated okay, you'll, you'll work with him right Mike and if it's at all possible just get it, whatever it is, best of your ability.

Mr. Williams stated yes.

Mr. Casapis stated he has got his number and he has got his number too.

Chairman Sandora stated is that okay Sir.

Mr. Casapis stated yeah.

Chairman Sandora stated Mr. Schmitzer do you have anything.

Mr. Schmitzer stated no, not at this time.

Chairman Sandora stated nothing.

Chairman Sandora stated Mr. Alvarez do you have anything.

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

Chairman Sandora stated anybody else on the Board have anything on this.

Chairman Sandora stated anybody in the audience have anything.

Mr. McCarthy stated Mr. Chairman.

Chairman Sandora stated Mike.

Mr. McCarthy stated question for the City Engineer or the applicant, it looks like your new conduit will be going underneath Abbey Road, is there a trench or pavement repair detail included in your plan, what you will be doing to restore the pavement.

Mr. Williams stated usually they will bore under the road.

Mr. McCarthy stated okay.

Mr. McCarthy stated Thank You.

Chairman Sandora stated you have to, you have to bore here under the road, there is no open cutting.

Mr. Williams stated then we will be boring.

Chairman Sandora stated anybody else on the Board have anything.

Chairman Sandora stated motion to approve.

Mr. Willey stated second.

Chairman Sandora stated Ms. Fashempour please call the roll for 11993 Harbour Light Drive.

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

Chairman Sandora stated you are approved.

Mr. Williams stated Thank You.

Mr. Willey stated so we won't see you until next year Mike.

Mr. Williams stated he hoped not.

Miscellaneous

Ms. Fashempour stated due to the fact that there were no new submittals for the meeting on the 17th and we did table some items this evening to give the Applicants plenty of time to go back and revise their plans, she is going to request that we cancel the meeting for the 17th and then our next regularly scheduled meeting will be October 1st.

Chairman Sandora stated okay.

Ms. Fashempour stated she has nothing else.

Adjournment

Chairman Sandora stated motion to adjourn.

So moved Mr. Willey.

Second Mayor Stefanik.

Chairman Sandora stated moved and second to adjourn the meeting, Ms. Fashempour please call the roll.

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

Chairman Sandora stated we are adjourned.

Planning Commission Meeting for Wednesday, September 10th, 2008 adjourned at 8:38 P.M.

Approved: Tony Sandora
Chairman - Planning Commission

Attest : Brenda Lynn Fashempour
Secretary - Planning Commission

Date : October 1, 2008