

**PLANNING COMMISSION
SEPTEMBER 14, 2016
MEETING MINUTES**

MEMBERS PRESENT:	Craig Cobb	Chair
	Jessica Cohen	Vice Chair
	Michael Gaynier	
	Len Horowitz	
	Adam Howe	
	Anthony Mattox, Jr.	
MEMBERS ABSENT:	Jeff Rink	
STAFF PRESENT:	Kara Hamley O'Donnell	City Planner
	Elizabeth Rothenberg	Assistant Director of Law
COUNCIL PRESENT	Mary Dunbar	City Council Planning & Development Committee Chair
	Jason Stein	Vice Mayor

Mr. Cobb began with saying good evening everyone and he would like to welcome you all to the September 2016 meeting of the Cleveland Heights Planning Commission. He stated that our first order of business this evening is to have the roll call, and he asked Ms. Hamley O'Donnell to do that for us this evening.

Mr. Mattox	Here
Ms. Cohen	Here
Mr. Horowitz	Here
Mr. Howe	Here
Mr. Gaynier	Here
Mr. Cobb	Here

Ms. Hamley O'Donnell stated there were six members present.

Mr. Cobb stated that normally we would ask for approval of the minutes but we are going to defer that to our next meeting. He stated, for those of you that have not been at any of our prior meetings, this meeting is recorded so it is very important that anyone that speaks to the Commission tonight goes to the lectern before they speak and they will be asked to take an oath or an affirmation. He stated then when you do speak, give us your address and reaffirm for us that you did take the affirmation. He stated we will begin each project on our agenda with a presentation by our staff. He stated then we will hear from the applicant and if there is anyone here from the public that wants to comment, they will have that opportunity to do so then. He said then the Commission will take the matter under consideration and we will ask for a motion to approve or disapprove. After any discussions, we will take a vote.

Project 16-22: Cedar Taylor Development Assoc./Cedar Road 13450, LLC, 13442-13450 Cedar, C2 Local Retail, requests Conditional Use permit for mural on west side of building, per Code chapters 1111, 1115, 1131, 1151, and 1153.

Ms. Rothenberg stated that anyone that is going to testify or potentially testify on this case, please stand to be sworn in.

Ms. Hamley O'Donnell and others in the audience who plan to testify were sworn in.

Ms. Hamley O'Donnell asked that the staff report dated September 9, 2016, for Project 16-22 to be entered into the public record. She stated this project is for a mural located in the commercial district at Cedar and Taylor. The Cedar Taylor Development Association requested that artists submit designs for a mural, and this mural, designed by Thomas Conger, was chosen. She showed the area of the wall in question which she pointed out on the overhead. She also showed what would be seen from across the street as you approached it heading eastward on Cedar. She stated you would not see much of it until you get closer. The mural will say Cedar Taylor and the next slide shows a close up and more details of the mural. She stated this is part of the Cedar Taylor's Development Association's plan to market their district.

Ms. Hamley O'Donnell stated that the Standards for Conditional Uses which are laid out in your staff report. She stated A through D are the most applicable as to whether this is in keeping with the general intent of the Zoning Code. It will not have an impact on the neighbors. She stated they have reviewed this and we feel it is in keeping with the district because we have murals in many of our other districts. She stated she had the police chief look at it to determine that it would not create a significant traffic hazard in this location. We did not think it would negatively impact the district and the Architectural Board has approved this design and the conditional use will not be injurious to the enjoyment of the neighborhood. We like to see our commercial districts improving and adding to the hopes that it will continue to be a thriving commercial district. Ms. Hamley O'Donnell stated that E thru K are not applicable to this application. She stated as far as standards for murals that are laid out in your staff report, 1153.05(x), we find that they do meet all of those standards, with the exception of a provision for a maintenance plan and owner consent to restore the façade. The president of the development association has been working with the owner to obtain an appropriate document in writing. Ms. Hamley O'Donnell recommended approval with the following conditions;

- 1) Receipt of Planning Director approval of a Maintenance & Wall Restoration Plan; and*
- 2) Receipt of document signed by property owner stating the façade will be restored at such time the mural is not maintained.*

Ms. Hamley O'Donnell stated that the head of the Cedar Taylor Development Association is here and the artist if you should have questions.

Mr. Cobb thanked her.

Mr. Kevin Smith came to the lectern and stated he has been sworn in. He stated he is with the Cedar Taylor Association and that his address is 2597 Ardmore Road in Cleveland Heights. The other gentleman stated his name is Thomas Conger with an address of 4405 Pallister Drive in Cleveland 44105. He offered to answer any questions that they might have.

Mr. Cobb asked if anyone had questions for the artist as long as he is here.

Mr. Mattox, Jr. stated he loved it.

Mr. Gaynier made the motion for Project 16-22, the Cedar Taylor Development Association, 13450 Cedar Road, to approve a Conditional Use Permit as shown on the submitted drawings with the following conditions:

- 1) *Receipt of Planning Director approval of a Maintenance & Wall Restoration Plan; and*
- 2) *Receipt of document signed by property owner stating the façade will be restored at such time the mural is not maintained.*

Mr. Cobb asked for a second.

Mr. Mattox, Jr. seconded the motion.

Mr. Cobb asked if any discussion was needed.

All in favor say aye.

Aye.

Anyone opposed, none.

Any abstentions, none.

Mr. Cobb stated it passes and congratulated them.

Project 15-31: Hebrew Academy of Cleveland, 1516 Warrensville Ctr, 'AA' single-family, requests Conditional Use permit for new school (early childhood, elementary, jr. high) with parking and playfields at former Oakwood Club per Code chapters 1111, 1115, 1121, 1151, 1153, 1161, 1163, and 1166.

Mr. Cobb stated that if you are anticipating that you are going to speak either in favor of or in opposition of, or just speaking in general, please stand so you can take an oath or affirmation.

Ms. Rothenberg swore in Ms. Hamley O'Donnell and others in the audience who planned to testify were sworn in.

Mr. Cobb stated that we are going to begin with a presentation by staff and then we will hear from the applicants.

Ms. Hamley O'Donnell stated that in November 2015, the Planning Commission held a preliminary hearing on the proposed Hebrew Academy school at the former Oakwood Club. She stated that since that time they have had numerous meeting with city staff, consultants from the city, their consultants, and adjacent Oakwood Drive neighbors as they developed and altered their proposed plan. On September 13th, the Planning Commission visited the site to conduct a fact finding visit. She stated that in January 2016, the Planning Commission approved the reuse of the former Clubhouse as Hebrew Academy's High School

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and administrative offices, retention and reuse of outbuildings and construction of playfields and courts. She stated since that time, the proposed, multi-purpose ball field has been removed from the current plan and what is shown now is possible future parking expansion. Ms. Hamley O'Donnell stated she would like to enter the eleven-page staff report for Project 15-31 dated September 1, 2016, into the public record. She said that after Hebrew Academy presents their project proposal, she will summarize the key points of the Staff Report. Ms. Hamley O'Donnell stated that this application is for a Conditional Use Permit for the proposed Hebrew Academy preschool, elementary and high school with site work including access drive, parking lots, drainage, utilities, landscaping, playfields and play areas. It is also for a lot resubdivision. Ms. Hamley O'Donnell added that also you have received a whole package in the mail of reports from various entities and consultants and very thorough paperwork that is also part of the public record for your consideration.

Mr. Cobb asked, asked for a revised agenda that has the lot resubdivision on it.

Ms. Rothenberg answered that usually you vote on the subdivisions first, but in this instance we are going to ask you to vote on the overall project first anyhow.

Mr. Cobb asked if she could put information on the subdivision up on the overhead.

Ms. Rothenberg stated that the applicant is going to talk and then Ms. Hamley O'Donnell will go a summary of her staff report before it is opened up to public comment. She said then you will vote just on the proposed site visit and then we will talk about the lot resubdivision.

Ms. Hamley O'Donnell stated, similar to Heights High, there are so many complexities and we would prefer that the applicant and their consultants give you the whole picture.

Mr. Cobb stated at our prior meeting, which you heard was in November of last year, we were given a comprehensive preview presentation by the Hebrew Academy from its representatives and their engineering professionals. We also heard from the Academy supporters and many residents who send their children to the Academy. At that meeting we also heard from many of the neighbors, most notably, those adjacent to the property to the west. His recollection is that all of those property owners voiced support for the Hebrew Academy and generally its use of the property for a new school. In fact, I cannot recall anyone objecting to the Hebrew Academy relocating its school to the property. Instead, it is my recollection that the objections were to the placement of the school on the property, on the property line near the neighbors' homes. The Academy set forth its reasons to why the particular site location had been selected and some Commission members had questions or concerns about the location and the feasibility of exploring other alternative locations on the property. That was a lengthy meeting and everyone that was present that evening had an opportunity to speak either for or against the proposed school, and he thinks that with one exception, all of the Commission members that are here tonight were present at that meeting. Yesterday, as you heard, the Commission members had an opportunity to visit the property and ask questions of the Academy's representatives and their engineering professionals. The property lines were staked out along with certain points of the building, so we could see where things were going to be places as proposed. The Commission members also had an opportunity to ask questions and hear from several of the neighbors, along with having the opportunity to actually stand in their backyards to try and get some visual idea of what they would be seeing once the school and any landscaping was completed at the proposed location. I cannot recall any time, since I have been on the Commission, that the members have been provided as much information as we have been

given, nor do I recall us making site visits to get an actual idea of how things are proposed. Certainly everyone that is here this evening will be given the opportunity to address the Commission, Mr. Cobb just asked that everyone try to be concise and confine your comments to what we perceive the issues to be and I think that relates to the placement of this school at the proposed location. I don't think an issue is the Academy's placement of the school on that property. Once the applicant is finished and we will probably have some questions for them and then when the public is given an opportunity to speak, I would just ask that you present your questions to me and I will relay them to the applicant to be addressed.

Rabbi Dressler came to the lectern and stated he resides at 3558 Shannon Road in Cleveland Heights. He has been the Educational Director at the Hebrew Academy of Cleveland since shortly before January of 2000. The enrollment at that time was 630 students and the enrollment has expanded to today's number of 1,077 students. The growth is indicative of the need and it's indicative of why we are here today. The Hebrew Academy of Cleveland is a national leader in education. It has over 7,000 alumni who have pursued virtually all fields of accomplishments in communities across the globe. Closer to home, the Hebrew Academy of Cleveland had been an incredible anchor, an incredible stabilizer, and an incredible pride to the City of Cleveland Heights. We have gone through explaining why we have the need. We all recognize, as Mr. Cobb has so eloquently said, why this is the perfect site for the school and for the City of Cleveland Heights. The Clubhouse that the Academy took over has been dormant for a good number of years and the Academy worked very hard with the professionals who are in this room to maintain the architectural grandeur of the building and it is and will continue to be a pride to the City of Cleveland Heights. I understand that there has been a concern raised about some neighbors taking short cuts through Wilmar into that area. This has been a long standing concern, voiced by the neighbors well before we moved into the building. I heard them raise this concern and we took mental notes and written notes and we followed up. We followed up by putting text in the schools handbook, asking parents to be sensitive to the needs of the neighbors and to the law. We sent out an e-mail and a written memo to our parents. We do take the neighbors' concerns very seriously and we will continue to that, but I remind everybody that this is something that has been happening for years, long before the school even considered purchasing the property. He stated our goal is to continue being that anchor, that stabilizer, and that friend to the citizens of Cleveland Heights. We are an excellent neighbor at present and we will continue to be an excellent neighbor in the future. Thank you.

Mr. Cobb thanked the Rabbi and asked if there were any questions.

Ronald Kluchin came to the lectern and stated he is the architect for the Hebrew Academy, 23215 Commerce Park, Beachwood, Ohio and he was sworn in.

First off he wanted to thank this Board for approving the High School--I think if you get a chance to stop by and see how we were able to save all the beams and the columns in that 100-year-old building, you will appreciate it. He stated that tonight we are here requesting Conditional Use approval from your Board and our site plan approval for our new Junior High and Elementary School. He said that at the last meeting with the Planning Commission, we submitted a plan that addressed all the needs of the Hebrew Academy, however, there were questions by the Commission and residents. You very strongly recommended that we meet with the residents and the Planning Department and that is exactly what we did. He stated they had many meetings with the Planning Department.

Their engineer, Dan Neff, created a virtual reality photo, which shows what it looks like from the house to where the school is proposed. Each one of these houses were depicted in this virtual reality that shows the view when standing at the back of the house and looking at our building, the berm, the fencing which we will go through that shortly. He stated that at this point, they have eight out of the ten houses that have signed up to buy the option land--there are only two that have not at this time. We actually lowered the price of the land from \$1.05 a square foot to 54 cents a square foot to make it easier for the people to buy the land. We also set up a way they can either pay cash for the land or a 3 year payout in order to make them be able to buy the land. You could see their back lot lines are pretty close to their house, so with the 150 feet they have a wonderful backyard for those large houses. He stated the homeowners also hired their own professional engineer to review our drawings and, on May 25 they spent an entire afternoon with that engineer going over the drawings, the site work, the grading, the utilities and the lighting. We actually allowed them to take a full set of drawings with them so, at his leisure, he could look at the engineering and make a decision on his own. Mr. Kluchin stated that they never provided us with a written report. The neighbors' engineer's opinion was that our final site layout was reasonable and that he had no major problem with the layout. The only item he wanted to look at later on was their final engineering plans for the retention basins, which actually have to be approved by the City engineers and the EPA, so that has to still go before the Engineering Department.

Mr. Kluchin stated that since the Planning Commission meeting, we have also met with Ms. Hamley O'Donnell, Ms. Knittel and Mr. Wong several times, going over the plan and addressing some of the problems they thought we could change. He stated that once we acquire approval from you, we can go forward with our aggressive fundraising. He stated that even though we are talking about building in 2017 and 2018, we need the money to build it and therefore we have to start the fundraising which we can't do till we get your approval. This is the first part of the puzzle. Also, once approved, we will be able to start going into design development of the drawings with our consultants concentrating on individual rooms, signage, arts, gymnasium and so forth. Each one of those rooms has to be designed and it takes quite a bit of time to do it right. He stated we really are trying to design a state of the art building. He stated the engineers that we have, have worked very hard to accommodate requirements and to produce a plan that fits into the site, disturbing the least amount of environment and being sympathetic to the neighbors. He stated before he turns it over to Mr. Neff, he wants you to understand that we are asking you for no variances, at all, nothing from the City, nothing on the setbacks, nothing on the height of the building or any variances on parking. He wanted mention that the yellow house, Mr. Lyons, who was not able to be here this evening, sent us a letter that he thought you should hear. He stated it is actually addressed to Ms. Hamley O'Donnell and Mr. Wong. The letter read as follows;

Good Day to you.

This is Robert L. and Shirley L. Lyons of 1600 Oakwood Drive, Cleveland Heights, Ohio, one of the affected property owners that sits astride the proposed Hebrew Academy of Cleveland development. Please let it be known to you and all the Commission members that the Hebrew Academy of Cleveland has me and Mrs. Lyon's full, complete and exuberant unconditional support to build their new home behind our home. We have seen all the original renderings and all the modified renderings and all the modified renderings by all the professionals working on behalf of the Hebrew Academy. We think they have acted very honorably in superb good faith to execute their development with sensitivity and grace towards the willful and unconditional support. We wish them the very best success.

He stated it goes on with other accolades. Mr. Kluchin stated he would like to turn it over to Mr. Neff. He noted that seven residents had purchased the land.

Mr. Cobb added, for the record, that we do have the letter that Mr. Kluchin just read. He then asked if anyone had any questions for him.

They did not so Mr. Cobb thanked him for his presentation.

Next, Dan Neff came to the lectern stating his name and the address, Neff and Associates, 6405 York Road, Parma Heights, Ohio. He began with saying that as Mr. Neff had mentioned, we have been working quite a long time on this project. Mr. Neff stated they are the civil engineers, surveyors and landscape architects on this project and are proud to be here this evening. He stated that what he would like to do at first, this evening is to give you the historic past of this. We started back in November when you first saw this project and what we have done to show that all of the comments and concerns that have been raised over these months. He began with a slide entitled, Overall Conceptual Site Plan for the Academy. He pointed out the new school which is going to be childhood development, elementary and junior high, and showed the neighboring properties. The code requires that we have a 50 foot setback from the property line and the development agreement prior had committed to 60 feet setback. We have subsequently pushed it even further to 75 feet. He pointed out the "option" property parcels that have been put up as an offer for each of the residents to buy pieces and consolidate to their property. He stated that a number of the Commission members had the opportunity yesterday to see that and we had it marked in the field where the building location will be.

He then stated he wanted to take them through the progress since November, we noted it as the October 15th [2015] Plan Submission. We show the 60 foot setback as agreed and the building was right on the set back. In this situation, we had the service drive coming to the back entrances for delivery service and things like that were all at the back of the building. We had some modest landscaping proposed, along the property and some of it back up into the option property. He stated they have since moved the service drive to the side of the building; we have added landscape mounding; we have moved the toddler play area. He stated in this layout we have shifted this wing so it will pull further away from the property line. He stated they also moved the service area back further west and the ball fields away from the residents.

Mr. Neff then showed the February 2016 Plan and where they pulled the building further away. Mr. Kluchin redesigned the mechanical and delivery service portion of the building and we now have the service drive off and back into the building set back. This is not required, but it is in response to some of the concerns on the buffering. He stated they added landscape mounding. The mounding now is between an average of six feet and it gets up to eight and one-half feet high and it varies and undulates somewhat so it look more natural. It is not a very steep mound, and it is generously landscaped. He stated, again, we moved the ball field, which was located here (pointed to) and now have shifted it further to the west as part of the neighbor consideration. They reconfigured from the original layout, we had showed some future parking. He wanted to note that we have even further reduced the parking based on the school's further analysis and we are under the allowable. He showed the configuration and the entrance drive continues to stay in the same location off of Warrensville and the traffic study was done and there will be traffic signals installed as part of this project at this location. He stated they have coordinated the

design with your consulting engineer, at least the approval design, and we will continue with that after we have your approval when we move into the construction documents. He stated they also have coordinated that effort with the neighboring community, South Euclid, and their engineer. He stated that on the plan they show our proposed storm water management, and we have done quite a bit of design to be able to substantiate and show that we will, in fact, meet the requirements of your city and or exceed them.

Mr. Neff pointed out the shifted the wing on the building that we talked about, and pointed out the drop off circle and tried to condense it somewhat, we reduced the entrance to the building and again further pulled the building off the west property line, in hopes to add more landscaping and enhance the mounding to be able to create a buffer to help with the view from the residential homes. He showed photos of the existing trees. Mr. Neff stated they have gone out and surveyed and looked and located and identified all of the trees within the development area and we are showing on our tree preservation list what is being removed and replaced. We will exceed the City requirements for the planting of trees and replacements on this project. To the south is located in a fairway which has a tall majestic tree flanking each side of it. We have made the field slightly smaller than you would expect for a high school, just for that purpose to preserve and maintain the tree lines. We have now moved the building 15 more feet, we are at 75 feet and the code is 50 feet. In doing so, we also pulled that service drive that same distance back. Mr. Neff stated they have stream corridors that come through here and we have slopes and valleys and we are looking at those as environmentally sensitive areas. He stated they have met with staff on a number of occasions. They have met with Cuyahoga Soil & Water. We have had discussions with Northeast Ohio Regional Sewer District and our goal on this project is zero impact. On streams we look for zero impact, wetlands we are looking for .2 acre area impact. There is a small wetland right in the middle of the building. He said the other wetlands you will see later, we are preserving. We will get the National 404 Permit for that and that will be part of our final approval. He showed where they extended the mound, we now have extended it all the way through the property in contrast to the last plan, where we stopped close to the Cohen residence. Mr. Neff added that this is the property that was purchased by Mitchell Snyder before the Academy bought the property and that is against the option line and we did extend the mound throughout the rest of the property. We have further eliminated additional parking. If the demand is needed, we will come back to the City and look at it as a future option. He stated this is emphasizing the newest layout where we are 75 feet off the back landscape mounding. He showed the original and now they have gone to more aggressive landscaping and more diverse. He said they have colored pictures of each of the planting materials that we are considering for the mounds.

Mr. Neff added to give them a better perspective, he thinks most of you saw this on your site visit yesterday. He showed the residences identified and the neighboring residences. They put the distance from the back of their existing houses to the proposed building. In this situation he explained that is at 277 feet and the closet point to any one home is at about 300-330 feet. He reminded them that is the length of a football field and again the existing vegetation that is in that area. It is taller trees with upper canopies and we will show you why we have selected what we have along the mound shortly.

Mr. Neff went back and summarized what he has just talked about. He stated we talked of the enhanced landscaping, moving and shifting the buildings and we will see a bit later why. He said he would show them the slopes and the streams that they are trying to protect there. Mr. Neff added they are going to spend quite a bit of money on a bridge. He said they are going to the large sets of boxed culvert so we do not impact the stream at all. It

will have very nice architectural features to it when it is done, we will be doing some facing and stone or brick work on it. You will note we have moved play areas and shifted drives as far away from the neighbors as possible. He did want to talk about the buses a bit. It is anticipated that the buses will enter in off of Oakwood, circulate, drop off students and go back out the same direction. This entrance is primarily for non-service, and a non-bus related business. There will be gates at this point, actually the entire parcel will be fenced. Mr. Neff showed slides of the mounds that varies in height from probably 6 to 8 and 9 feet in some locations. He said they are picking a variety of different evergreens, there will be deciduous, we will have some flowering trees to create some texture and color throughout the year. He stated the goal here is to have earth and evergreens to give us that visual barrier. He said these trees are not going to be 15' tall on day one, but within 5 years this is what we anticipated the landscape will look like. We are starting out with 6 and 7 foot trees depending on species and they will grow and mature into this size.

Mr. Neff said this is new to your packet, we prepared this and met with the neighbors and want to share this with the Commission tonight. They have identified all the trees, all of them are cataloged and identified. He said they looked at which they plan to maintain and which will be removed for part of the construction. This is all in our tree Preservation Plan. He stated the sections are cut so this will allow you to look from the house back towards the mound. Mr. Neff showed neighbor views today and the anticipated view once landscaping and the berming was installed. There is generally a tall canopy, good healthy trees for the most part. He said that this shows how the existing landscaping will stay and the fencing for security of the site will be along the option property line, if the property is purchased. He stated you can see that by moving the building and shifting it, it allowed us to do quite a bit of this additional landscaping and mounding which is much greater than the first submittal. He showed a view from 1658 Oakwood Drive showing the tallest portion of the building. This is where the auditorium is located, the maximum height of the building is 31 feet and then the majority of the building is all single story but this is the taller section. He said the majority of the building will be screened. Mr. Neff spoke a bit about the different evergreens, some that have a little taller canopy and some that go to the ground. He said they have spruces, white pines, swamp oaks. We are looking for color in the fall and we want to mix it up with dark green and light green throughout the property. These trees will be flanking the mound.

Mr. Neff spoke next about the parking lot and stated that currently our code, if we design the parking lot he showed the landscaping that would be required. He said they deviated somewhat from that, we are incorporating more landscaping but we don't quite meet the true intent where we have islands perpendicular, we ended up putting in larger islands and extending them clear through the property. He said they feel this addresses the heat island affect much better. He said they will be using bio-grass swales to help with our first flush with our EPA requirement for storm water. Again, he said this is not required because we have a large storm management system, it is above and beyond. You can see that we have removed this section of parking so in this we have increased our landscaping and the number of trees in our layout vs. what the city code says. We are asking for your consideration of this layout and he thinks that staff already does support this design. He wanted to speak about fencing a bit. There will be a 7 foot fence at the rear of the property and along the adjacent property which you saw earlier in some of the elevations and rendering. The fence will be a 7 foot vinyl chain link with vinyl post and rails. He said in the front of the property they are looking at an ornamental metal fencing whose height will vary anywhere from 4 to 7 feet. In this case they have typical sections of what the ball field fences will look like. We have existing fences of board on board which will be removed,

some old chain link will be removed. He said there is some ornamental fencing around our storm water management plan, not required but we feel this is a school and we want to keep the children safe and away from it. Next he said he would go quickly through the lighting. Mr. Neff said they are using LED fixtures and their intent is to be very green on this project and energy efficient. As far as the parking, he showed a slide of the general parking lot lighting, he said they have some bollards for ornament and decorative for near the building. He said they are in compliance with the height of the poles and our code. Mr. Neff stated he had talked about the stream quarters, (pointing them out on the overhead slide). He said that our city does not have riparian setbacks, but they feel they are necessary. He said that Cuyahoga Sewer and Water feels it is necessary and so does staff. He pointed out the areas they are looking to protect. He pointed out what he calls the "steep slopes," they try to stay away from them as much as they can, that's why we can't keep pulling this building closer to the east. He said right now, this building's closest point to Warrensville Center Road is 728 feet. He showed the bridge that will be crossing this stream and they will not impact any of the stream throughout here. He said they will add their storm water management outside of the repair areas. He said they have adjusted that. He said they have the wetland areas that will remain here as the very small wetland we are looking to permit. We feel we have been extremely sensitive to the environmental needs of the property.

The next item he wanted to cover is the lot split. Mr. Neff stated that in the staff report that Ms. Hamley O'Donnell has done, you will see that currently this is the property that Hebrew Academy has purchased which is what we call the north property. Ms. Hamley O'Donnell mentions in her report that the parcel that was development by First Interstate in South Euclid which is the adjacent property. He said on this plan we are proposing a future parcel which is called Parcel C, left for future development whether it is for single family homes, something for the future, we do not know what that might be. Mr. Neff pointed out the two large parcels, one is going to be the Academy's campus which will encompass the high school, some of the grounds facilities, as well as athletic facilities. He pointed to the parcel that is shaded in the back, each of those property owners have signed an agreement with purchasing the additional property and connecting it to their parcel. He pointed to the Cohen property that was purchased a while ago, each of these property owners have signed already. Mr. Neff pointed out the "option" property and the parcel line that was part of the original option that was part of the Oakwood Country Club that transferred to

Mr. Kluchin came back up to the lectern to speak. This is the property at 1737 Andrews where we are possibly looking at doing a land swap where we give them a better back yard and actually help them to continue and extend the buffer for the neighbors. Mr. Neff said with that he will be glad to answer any questions from staff or anyone that has a question. Mr. Kluchin came back to the lectern and stated that what doesn't show up on the screen is the topography that this parcel has. He stated this land has a lot of challenges to it. First of all, when the Hebrew Academy purchased the land, we had two gas wells on the property, which he pointed out. He stated we spent quite a bit of money to have them removed, capped and filled so they are gone now. He stated the other challenge to the property was the tremendous topography to this property. He pointed to Warrensville Road where it immediately drops 20 feet down to approximately where the bridge it and then goes back up again. He stated the flattest part of the land is up where the building is. Remember, it was a golf course and they had a lot of topography to it, that's what made it interesting. He said another thing is that the mounding we are creating, people on Oakwood Drive have had problems for years with drainage. He said by putting this mound up, we are going to cut off all the water that's draining towards that site and we are also

adding drain tile on the west side of the mound to pick up our drainage with T's off of that on the homeowners' side that they would be able to tie into and help drain their properties. He said their land is very flat and does not drain.

Mr. Neff noted we do have a storm sewer system that we are designing to be able to accommodate the rear yards of the property, even though it flows away from us, it's a neighborly thing. He said the staff has recommended a sidewalk along Warrensville and I think we need to be very sensitive to the fact that it drops about 15 feet, just outside the right-of-way, actually within the right-of-way. The current fencing that is there now is in the right-of-way and it's permitted under the original agreement but once it is removed, it has to be put on private property. He stated their concern is that they have to study this and are sidewalks required in this area. He said they need to work with staff and their consultants. To do it in a conventional arrangement, we would have to put 10 to 15 foot of fill to put a sidewalk in. He feared it might affect things environmentally to the property more than it needs to. He said they have to be sensitive to this and come up with a way to be creative with this.

Mr. Cobb asked if there were any questions for Mr. Neff.

Mr. Mattox, Jr. stated he had a few questions.

Mr. Mattox, Jr. asked if there is also a bus stop there.

Mr. Neff answered that there is a bus stop there and also another one just to the south and a 3rd one just before it exits into South Euclid. He said they are proposing to take that and move that just slightly to the north and we will coordinate that with RTA and it makes the most sense to put it to the north side of that proposed signalized intersection so the buses would not go through and then immediately stop which would create more of a traffic nightmare.

Mr. Mattox, Jr. asked about the bridge and what would happen if maintenance work was required. Would the traffic just route through Oakwood Drive during the time?

Mr. Neff answered that it is always important for safety purposes to have more than one means of ingress and egress, especially at a facility like this where we are dealing with children and a learning institution. He said we would have a second means of egress that would allow them access.

Mr. Neff wanted to tell them there will be some shoebox lighting on the back to provide enough lighting for security. There will security throughout the evening, the police will have the ability if need be to on site to be able to go through the property. We are talking about gating the site, but having access for the safety departments. Mr. Neff pointed out this circular path which is part of the fire requirement as a fire lane. They have agreed to a 14 foot wide paved section which we think is generous but a good plan vs. a lot of pavement and it will serve as an all-purpose trail as well. Mr. Neff showed the slide with pedestrian traffic to the west, because we know the students will come that route. You will see we are trying to incorporate paths throughout.

Mr. Mattox, Jr. asked if there will be lighting on that side as well.

Mr. Neff replied "yes."

Mr. Mattox, Jr. asked if there will be additional signage just to stop the excess traffic.

Mr. Neff answered that right now there is a private drive and we may make sure that it remains and we may enhance this gated area (he points to on the drawing) so cars can get up to it but it will be actuated and the school will let people and service in. They will monitor that and he said they will have way finding signs in those areas that will clearly identify these areas for the school. He felt that will help a great deal.

Mr. Mattox, Jr. thanked him.

Mr. Cobb asked if there were any other questions.

Mr. Gaynier asked about the Andrews Road entrance, he apologized and stated he is a new member and was not at the November meeting. He noticed you have a proposal to change the road traffic to one-way and allow drop offs in the morning but not pickups at the end of the day. He asked if they could explain how they think that is going to control the in-and-out traffic there.

Mr. Neff answered that this is the recommendation we are making through our traffic engineers. He wanted to bring up that a lot of this stuff will remain fluid and if it becomes an issue, then we will repair and correct it. We think that is the best alternative. He said the reason they are doing that is in drop offs, cars will be very quick, children will exit the vehicle and enter in through the gate and get into the property. We do not want them blocking traffic waiting for students at pick-up time. They will have to come into the school to be able to pick the students up.

Mr. Gaynier asked if it is your belief is that not allowing the students to exit at that side will actually prevent them from going in that direction even if they live in that neighborhood.

Mr. Neff replied if they are on foot or bicycle, no.

Mr. Gaynier said then it's not an issue.

Mr. Neff stated there are quite a few students in that area. He said they plan to have bike racks at the site. This area is very conducive to walking, to riding bicycles and that is what we are going to promote as well.

Mr. Cobb asked him to go back to the slide with the fencing shown along the back line.

Mr. Neff answered that the back property that abuts the Oakwood residents will be a 7 foot, it's a metal chain link with black vinyl coating. The vertical posts and rails will be galvanized with vinyl coating. That is what is being proposed along the back of the property line. He said the reason he picked black is that it tends to disappear a lot easier. We think the landscaping and enhancing it makes it look better than trying to put a privacy fence. He said when you look back at the landscaping plans that exceed the height of the fencing. The fencing is just meant for security purposes.

Mr. Cobb asked what side is the fencing going to fall on.

Mr. Neff answered it will be on the Academy's property, within a foot of the property line. The only deviation from that may be if they pull it in a bit would be to preserve trees along the property line. Mr. Neff answered it will be on the west side of the mound, adjacent to the property line. In other words, the mound will be the responsibility and up keep of the Academy.

Mr. Cobb asked if there is any reason why the decorative fencing for aesthetic reasons.

Mr. Neff replied they considered everything. He said they had renderings of board-on-board, vinyl fencing, solid, and it just becomes such a strong element, but the chain link will tend to disappear in view and they will have the landscaping as a back drop. He said yes, it all has been considered and they think aesthetically and for security purposes, chain link is best. He said the police tend to agree because you can see things through it.

Mr. Mattox Jr. said with talking about the fencing, if the other two property owners don't execute their option, will the fence remain the same and in the same location throughout those properties or would that change?

Mr. Neff stated that since this will be the Academy's property, they will have to maintain it, the fencing will probably be either open or extended around the properties. We will need to maintain access at all times. He said for the general fence, it will run along that property and for the option property we may saw tooth around it to secure the property and maintain it.

Mr. Horowitz asked about the electrical utilities and if that will be coming in underground?

Mr. Neff answered that all electrical service and telephone communication will be buried and underground. He said they will have everything underground except the lighting fixtures that protrude out. The transformers will be located back near the building and we have not worked out all of those details with the Illuminating Company.

Ms. Cohen was not sure if this is for staff or for the Academy, the recommendation for parking. About the two parking spaces, for early designated pick-up and drop-off only. She was curious why that it is that way?

Ms. Hamley O'Donnell answered because it is a code requirement.

Ms. Cohen noted that it has nothing to do with how they set up the parking.

Mr. Neff pointed out the two spaces immediately adjacent to the building, but the reality is the whole parking lot area will be used for that purpose. He pointed to the early childhood wing and the students have to be brought into the building for security and they have to be picked up from inside the building for security. The parents will park, bring the children in and then exit.

Ms. Cohen asked about them moving the early childhood playground to the east side of the building. Is that fencing, is there any concern about that near the bus drop offs or anything like that now that is more on the front of the building opposed to No. 3.

Mr. Neff said with a separate fence we do not see it as a problem, the front of the house is easier supervision so we think it is a better location.

Mr. Gaynier asked for one more clarification on the Andrews Road entrance. He referenced the staff report on page 5, which says that after school, the gate will be kept locked, but you said you would be encouraging foot traffic for the kids in the neighborhood.

Mr. Neff replied we will have to deal with that and work through those semantics with staff. He said they can't discourage children from walking. For example, he stated he lives in a community that he has to hit a button to open the gate. It releases it. They are electronically locked, that could be an option. We will work through these details.

Mr. Gaynier said he is thinking like a kid, if I live on the other side of that fence, I am not going to go around the long way.

Ms. Hamley O'Donnell asked if she could just address that a little bit. She thinks she will get into this more when she summarizes her staff report. She said that this is one of the things we were really struggling with this as staff and talking with the applicant and the police department and thinking about how parents behave. She said, of course, we want our kids to be able to walk or bike to school, but we also know that as soon as a kid is able to walk out that gate to Andrews Road, the parents are going to be lining up to pick their kids up, especially if it is February. She said we are really concerned with this and it is hard to anticipate what is going to happen until the school is open and running. She said, with an abundance of caution, at this point we want it locked at the end of the day until we see how many kids are walking, what issues arise and then we will restudy that again. She said that if you drive around any school in Cleveland Heights that operates and does not have a large parking lot, the parents line up all over the place. The driveways in this neighborhood are close together, Andrews Road is narrow and there is no place to turn around. This is just what we want to start with and ease in from there.

Mr. Mattox, Jr. was curious about the ball fields, in terms of the lighting. Are we anticipating any issues with the neighbors behind the fields and the lights.

Mr. Neff replied there will be no lighting for the ball field at all. The only lighting will be for the parking and the security of the building.

Ms. Cohen asked about the sidewalk since it is included in the conditions. It seems to be a question still.

Ms. Hamley O'Donnell answered that when she gets to that part, they have discussed saying sidewalk or path.

Ms. Cohen just wondered if we needed to ask the applicant to address that further.

Ms. Rothenberg answered that she felt it was fair to say that there have been so many details to this project and that was one of the ones that came in very recently. The desire of the city is to make sure there was a public sidewalk and she felt the applicant is making a valid point that it is a very specific definition and so that is not something that trips us up tonight, I would recommend it would say sidewalk or path so we have the flexibility to look at what is the best and most feasible and environmentally friendly solution.

Ms. Cohen replied thanked her for the clarification.

Mr. Cobb noted condition number 18.

Ms. Hamley O'Donnell stated there is a similar situation at Coventry School along Euclid Heights Boulevard where it is not a sidewalk in the truest sense, it's a meandering path. There is a precedent at this school site.

Mr. Cobb asked if there was anything else for Mr. Neff. There was not.

Mr. Cobb thanked him. Mr. Cobb asked if there was anyone else from the applicant that is going to be putting anything in, we have the traffic consultant here or is he just anticipating on just answering questions if we have any.

Mr. Neff answered we are all here to address and answer any questions.

Mr. Mattox, Jr. stated he did have one more question.

Mr. Cobb asked Mr. Neff to come back again.

Mr. Mattox, Jr. asked if there was currently a sidewalk on Oakwood Drive.

Mr. Neff answered no.

Mr. Cobb stated we now hear from staff and then we will hear further from the applicant or anyone that wants to speak on the applicant's behalf. Then we hear from the public.

Ms. Rothenberg stated that she felt the applicant did a great job describing their plan but what Ms. Hamley O'Donnell's goal is to connect the conditions and the code requirements to the site plan.

Ms. Hamley O'Donnell began with saying you are all familiar with our Standards for Conditional Uses and she said they anticipated we would have good amount of people in the audience and she passed out additional copies of the 11-page staff report which she is going to summarize.

Ms. Hamley O'Donnell stated the first Standard for Conditional Uses is

Standard A: The school located in a residential district is in accord with the purpose, intent and basic planning objective of the zoning codes as long as measures are taken to protect the residential character of the neighborhood.

Standard B: Hebrew Academy has explained the proposed setback landscaping screening, deliveries, fences and lighting. The Police Chief has review the plan and has requested that a final safety plan is presented for her approval to assure that emergency responders have access via the key pad to the gated site and awareness of which gates will be locked and when and understanding that the lighting is sufficient for security, confidence that the alarm system provides good direction to those responding to an alarm. A good understanding of the building's floor plan, access to the fire lane, during all weather, contact phone numbers in case of an emergency and other issues to assure the site and its occupants are safe. This should be a condition of approval and is listed as condition #14. She added the police chief also has concerns about the proposal not installing a public sidewalk which we have talked about and we will amend our condition #18 when we get to that point.

Standard C: Anything that will be a change from the previous golf club but this development will have less impact than a code-conforming residential development could have. The Hebrew Academy proposes preservation and protection of many natural features and has exceeded the zoning code 50 foot minimum set back. She stated the proposed school has a 75 foot set back from the West property line at its closest location. The proposed design requires the approval of the ABR which would be a Conditional Of Approval and is listed as Condition #3.

Standard D: She stated the Oakwood Drive neighbors have complained about Yeshiva Hatorah neighbor cut through on to the private drive and during the site visit we all saw pedestrians, bicycle and auto cut through. While it is not Hebrew Academy's responsibility to monitor non-Hebrew Academy families, it is hoped that signs that the Hebrew Academy will install will discourage cut through from both Hebrew Academy families and others. She stated that what you see at your desk today, as part of the record, there are two e-mails from Rabbi Dessler and another e-mail to their families discouraging the cut through. Condition # 9 addresses that issue.

Standard E: The area is currently developed with permitted uses, this use would not impede any future development.

Standard F: Storm water management will be provided in accordance with the city storm water management ordinance which is set forth in Chapter 1335 of the Cleveland Heights Codified Ordinances and current Ohio EPA requirements. Runoff from this site will not exceed pre-development rates. The plan includes three wet extended detention basins that will also provide aesthetic benefits through the inclusion of fountains and planting. The basin will discharge into the Nine Mile Creek that runs through the property and is where the existing storm water runoff from the site drains. No connection to the public storm sewer system is planned. As far as the sanitary sewer goes, the peak flow for the completed campus was calculated to be .34 cubic feet per second. The existing 12 inch sanitary sewer has the capacity to carry about five times its capacity or about 1.7 cubic feet per second. Our City Engineer, Pete Formica, can answer any questions about that.

Standard G: The Hebrew Academy hired TMS engineers to conduct the traffic impact study which was reviewed by City Traffic Consultants, GPD Group. At this point you have a copy of that traffic plan and the city's traffic engineer's commentary on that as well as the changes that were made by TMS Engineers for Hebrew Academy that addressed the concerns our traffic engineer had. At this time, GPD, had no additional concerns. She stated that both engineers are present this evening is there are any questions.

The proposed design results in the following measures being taken to minimize congestion in the public streets. This takes in to account the peak hours which are considered 7:30 AM to 8:30 AM and 4:00 PM until 5:00 PM. The major traffic changes include:

1. Traffic signal at Warrensville Center Road and Bexley is proposed.
2. A 325 foot – northbound left turn lane which will be necessary to be longer with the traffic light which will allow queuing. Lengthen the existing southbound left turn lane from 175 feet to 325 feet, also which is necessary to be longer with the lite and queuing.
3. An exclusive right turn lane and a shared through and left turn lane.
4. Andrews Road will be converted to a one way street.

5. Bus traffic is about 6 buses in the morning and the evening. Bus traffic and deliveries and the high school students and staff will all enter at the Oakwood Drive entrance and are prohibited at the main entrance.
6. The City does not object to the new traffic signal and is comfortable with Hebrew Academy's plan to lock the pedestrian gate to prevent parent queuing and blocking traffic at pick-up time. This should be a Condition of Approval and is listed as Condition 16. While we acknowledge this prevents children from walking home, at this time we feel it is the only way we can assure there will be no parent pick up in this area. It will not negatively impact the residential neighbors.

Ms. Hamley O'Donnell stated as she said before, we are open to discussion and consideration of options once the school is open and the traffic, walking and biking patterns can be analyzed. She stated that Hebrew Academy will have to coordinate the proposed traffic improvements with South Euclid's engineers and staff as well. She stated the Police Chief will review the final traffic plan regarding the light timing, actuation of the signal, crosswalk timing and other pertinent issues that will come as part of the final traffic plan. This is listed as Condition #15.

Standard H: Police and Fire have reviewed the proposed plans and do not believe that excessive additional requirements will be required of their departments. She said that review of the final safety plan should be a condition of approval and again this is listed as Condition #14.

Standard I: Staff sees no potential hardship in the future. Condition #15 on sustainability will be addressed below.

Standard K: The Planning Commission may require the school to fence outdoor play areas and as they have stated before, the playgrounds and the baseball field are proposed to be fenced for safety. Building height as noted before is 12-31 feet high where our Code permits a maximum of 35 feet. Most of the fencing is Code conforming, though proposed fencing over 3 foot tall in the front yard and wire fencing around the perimeter will require Board of Zoning Appeals variances and approvals from the Architectural Board of Review.

Ms. Rothenberg stated that there was some conversation that we had earlier that made Ms. Hamley O'Donnell and I realize that the proposed fencing may get tweaked based on what happens with those options, so what we would like to do is for Condition #5, if you have that in front of you, we will go over this again when we look at the conditions. Ms. Rothenberg asked that they add "fencing plan" also along with signage and the landscaping and such, as that needs Planning Director approval. She said that just gives a little flexibility with the fencing plan that is being proposed to you.

Ms. Hamley O'Donnell stated that ABR approval is required for all signage and a variance would be required. She stated a variance would be required for any identification sign that is greater than 24 square feet. She stated they will be submitting their sign package that deals with all of the signs including identification signs, stop signs and all that sort of stuff for us to review comprehensively. They intend to comply with bicycle parking requirements and they do meet the code. The drop off spaces need to be clearly labeled.

On the sustainability, streams and wetlands appropriate setbacks are proposed around the streams and wetlands under Federal jurisdiction. She stated you received copies of letters from the Army Corp of Engineers and The Soil and Water Conservation District that dealt

with these sorts of things. The three wetlands are regulated by the Ohio EPA under the isolated wetland permitting program. Only one wetland near the early childhood playground requires a 401 Permit from the State of Ohio for this proposed impact. The applicant will incorporate signage and trash receptacles in this area to educate about wetlands and to protect them from the trash which was recommended by the Soil and Water Conservation District who has a representative here this evening. She stated, as far as trees go, as part of the tree preservation plan, the site design maximizes the number of existing trees that can be maintained and protected during construction. Development will result in the removal of approximately 264 trees and the preservation of approximately 509 trees. The landscaping plan proposes planting an additional 449 trees which is greater than one to one replacement required by the Zoning Code.

Ms. Rothenberg asked that we add that the Soil and Water Conservation District is hired by the city to make sure that our storm water management program is being followed. She stated that is why we asked that representative to be here this evening. He will be looking at the storm management plan ultimately and has preliminarily looked at it to make sure it makes sense.

Ms. Hamley O'Donnell stated that the lighting is code conforming and prevents glare from shining into the neighboring properties. Landscaping and screening needs a final approval from the Director of Planning of the final landscaping, screening and drainage, grating, tree preservation and tree protection as listed as #5.

Ms. Hamley O'Donnell stated she was going to invert the staff recommendations, typically we would do the lot joining first, but tonight we are going to switch those.

Ms. Hamley O'Donnell recommended approval of the proposed Hebrew Academy early childhood elementary and junior high school with the following additional conditions:

1. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity or create a nuisance for adjacent residential properties;
2. The applicant shall work with staff to resolve complaints from neighbors;
3. Receipt of Architectural Board of Review approval, as required, and of fencing plan for entire site;
4. Receipt of Board of Zoning Appeals variances, as required;
5. Receipt of Planning Director approval of final signage and wayfinding, landscaping, drainage, grading, tree preservation, tree protection, parking (bicycle and vehicle), and site lighting;
6. A minimum of two parking spaces near the Early Childhood entrance shall be designated for pick-up and drop-off only.
7. Receipt of Planning Director approval of the berm construction schedule which shall include the majority of the berm construction near the beginning of the construction schedule and that temporary seeding and erosion control measures shall be employed until final landscaping installation;
8. Required landscaping shall be installed within 90 days of school opening;
9. Applicant shall discourage cut-through traffic on Oakwood Drive including through signage and in communications with the Hebrew Academy school community;
10. Traffic shall comply with Traffic Impact Study (2/5/2016) recommendations as amended in TPS Engineers letter (8/3/2016). The pedestrian gate to Andrews Road shall be locked, as needed, to control pedestrian travel and to prevent parent pick-up. If traffic on Andrews Road and surrounding streets becomes problematic,

applicant shall work with Planning Department and Police Department staff to remedy the issue;

11. Receipt of all required Building Department permits;
12. Garbage pick-up and all deliveries shall be limited to the hours of 7 a.m. and 5 p.m. The doors to the garbage storage area shall be kept closed when not in use and area shall be cleaned regularly to prevent odor and rodents;
13. Any future expansion or site reconfiguration shall require the approval of the Planning Commission;
14. Receipt of Police Chief and Fire Chief approval of a Safety Plan;
15. Receipt of Police Chief approval of final Traffic Plan;
16. Applicant shall enter into an agreement with city for installation and maintenance of the traffic light;
17. A sidewalk or path for the public shall be installed along the Hebrew Academy-owned frontage along Warrensville Center Road;
18. The installation of the use shall be completed by December 31, 2020;

Ms. Hamley O'Donnell stated that this evening we have Police Chief Annette Mecklenburg and Pete Formica who is our city engineer with CT Consultants. We have Ryan Gillespie, our City traffic engineer who is from the GPD Group, the author of the traffic memos you received. We also have Brent Eisenbach, who is the Storm Water Program Director with the Cuyahoga Soil and Water Conservation District. These people are all available this evening if you have any questions for them.

Mr. Cobb stated that before we go back to the applicant, he asked if there is anyone here that is going to be speaking tonight from the public that has an objection to the school itself going on this property. No one spoke.

Mr. Cobb stated then he takes it then that any objections that anyone is going to be voicing tonight from the public or the neighbors is based upon the placement of the school.

A woman from the audience spoke out and Mr. Cobb asked her to identify herself and he wanted to hear what the nature of your objection is going to be and then that will determine how much we need to hear from other folks that are here for the applicant.

Ms. Rothenberg asked them not to speak the specifics, just an overbroad.

Mr. Cobb stated then he would give them another opportunity to speak.

The woman spoke while standing by her seat, stating her name is Diane Calta and that she lives at 1620 Oakwood Drive and the question that you posed if she is repeating it correctly, is whether or not your objections would be limited to the placement of the building. She stated that one of her objections is the placement, but she also has objections and additions to the conditions, that is all she wanted to say.

Ms. Rothenberg asked if the questions had to do with the staff recommended conditions which were on the screen.

Ms. Calta replied yes.

Mr. Cobb asked Ms. Calta, generally if she is fine with the school being on the property, as a general proposition.

Ms. Calta answered, you made the statement earlier and I will repeat it. Personally, as I stand here today, I do not object to the use of the property as a school. She stated she objects to the placement of the building, she objects to the conditions and she has additional conditions that she would like to have added. She stated that is as succinct as possible.

Mr. Cobb continued saying with that in mind, is there anyone from the applicant that would like to speak to us further?

Mr. Cobb said he did not want anyone to have sat here for an hour and half and be deprived from an opportunity to speak to us.

A gentleman came to the lectern and stated his name is Murray Koval and that he lives at 3695 Severn and that he has lived there for 44 years. He thanked God that he has raised number of children there and now he is raising grandchildren there, not the same address, the same block. He can only say as a parent and grandparent, as a neighbor and resident he has had only the best of experience with the Hebrew Academy both in terms of education as well as responsibility to the parents and the residents. He also happens to be fortunate enough to have his backyard is at Millikin and when he first moved in, Millikin was an elementary school and went through the various stages. Actually he stated he is having more of an issue now with the coming and goings of all the trucks that are leaving and heading out whether it towards Taylor, whether it's towards Maple there is a lot of noisy, grinding traffic. He stated that no one asked him from the school board at the time if it would bother me so that's ok. He stated that in terms of being a responsible and good neighbor, the Academy seems to fit the bill. He thanked them.

Mr. Cobb asked the woman to come to the lectern and state that she took the oath or affirmation. She stated that she lives at 3825 Severn, she stated she is in the dead end, about 5 houses away from Andrews. Her name was Susan. She stated they moved in there in 1998 and they quickly found out and she had said this before, back in November that we had moved to the wrong side of the neighborhood. No one wanted to stay at our house, we were too far away from everything else. She stated they are pleased and excited to see the Hebrew Academy moving in and putting them back in the center of things. She stated she was pleased to see they are thinking of having Andrews be a one way. She is pleased they are very sensitive to not making or encumbering the neighbors that live there. She thinks it's a brilliant idea and hopes for its success. One thing she stated is one thing that struck her tonight is what good people there are, she said she did her student teaching there some 30 years ago, they have had everything from adult education to pre-school on up. They do an excellent job and they are good people. She stated that what they would teach there on Friday night when our Sabbath begins we make the blessing over the wine before we make the blessing over the bread, we cover the bread, too. She stated that even with the bread, we don't want the bread to feel bad that the wine went first and she noticed tonight how far out of their way they have exceeded the minimums in protecting the views and the feelings of the neighbors around it. She felt they really have been considerate about all of the concerns that were expressed. She was almost expecting to hear the views of the trees were being taken into consideration. She stated it is really impressive what good neighbors they are

trying to be. She stated she thinks Mr. Koval said it well, the School Board does not work with the neighborhoods the way this school is working with the neighborhood. She thinks this is very impressive. She thanked them.

Mr. Cobb thanked her for her comments.

A gentleman was next coming to the lectern. He stated his name is Sherman Weiner and that he lives on the last block of Bendemeer. First, he would like to thank Mr. Neff for bringing him back to 4th grade when he used the word deciduous. He stated that was the last time he heard it. He wanted to say this is an amazing thing and he is so thrilled seeing kids up and down. He stated it has raised the property values in the neighborhood. Once the Academy committed to this, the house values shot up. He knows because his kids are looking to buy a house. He wanted to say it's a beautiful thing and that's it.

Mr. Cobb thanked everyone for a fine presentation and being brief. He said now we are going to hear from the neighbors or anyone speaking in objection to this.

A woman came to the lectern and stated her name is Bettina Katz and that she lives at 1672 Oakwood Drive. She stated her house is the one with the 30 foot and the back of where the garbage is kept. She stated she has lived on Oakwood Drive for more than 25 years. She stated the last time she stood here, months ago, she is a proud resident of Cleveland Heights and someone who welcomes the Hebrew Academy to our small enclave of Oakwood. She said but after following over a year of interactions with the Hebrew Academy, the following distortions of the facts have become immently clear to her.

Myth 1: 8 of the 10 households support the project.

She stated from the start, the Hebrew Academy has created fear among the residents of Oakwood Drive. First that we would lose our option land altogether and then that we would be forced to pay double the price in exchange for a fictional discounted price, exactly the price the 1950s agreement stipulates that we should pay. Residents of Oakwood Drive were demanded to sign a purchase agreement giving unconditional support to the project: "As a result of meetings and discussions with members of the Oakwood Drive Association and others seller has made significant alterations to its original plan in an effort to satisfy concerns expressed by members of Oakwood Drive Association and others. I hereby confirm that he and she are satisfied with all such changes and have no objections to the seller's proposed development project. As a condition of this agreement, and for other good and valuable consideration, I hereby irrevocably gives its/ his, her consent to and support of seller's development project as amended from time to time. Buyer agrees not to object to the seller's development project in any form. This consent and support is irrevocable and binding upon the seller's heirs and assigns."

Don't misunderstand this. One of the reasons I am one of the only neighbors talking tonight is not because all the rest of us support the project. It is because they have been silenced out of fear of the financial consequences of not signing this contract. She stated she is one of the few willing to risk an uncertain future rather than be legally silenced about this project. She stated that in the future, and in her children's future, regardless of the changes that HAC feels ok to change and let's be clear, we have not seen the final plans. HAC will stand before the Commission and tell you that a majority

of the residents support the project but if the Commission were able to talk with all the residents who actually cannot legally do that any longer, a different story would unfold.

Myth 2: HAC has worked with the neighbors of Oakwood Drive to address our concerns. HAC has done little to demonstrate any concerns for the residents of Oakwood Drive. The only significant alterations they have made to the original plans presented in 2015 are changes you and the city would have demanded anyway. Ultimately, they have made no subsequent changes that are responsive to the many concerns expressed by the homeowners of Oakwood Drive. Particularly, when it comes to the location of the school remaining in its original orientation. She said, sure, they have moved the building a bit but with 93 acres of land, a few feet is hardly a concession. Most importantly, it achieves an visual on her view of a 30-foot-tall structure.

Myth 3: HAC has offered to sell our option land at a discounted price. The price of the land is stipulated in the 1950s agreement between the Oakwood Club and the Oakwood Drive Association. The actual price was established at the time the Oakwood Club was first sold, not the price HAC bought the property for a few years later. That price almost doubled in a couple of years. She stated that ultimately the Hebrew Academy has disrupted the critical part of what makes our system work as well as it does—a system that needs voices and differences of opinions in order to work well. The Commission needs community input in order to make well-informed decisions. She suggested that tonight that there is not enough information provided by the HAC in an honest manner or enough working out of real concern regarding the impact on Oakwood Drive. She thanked them.

Mr. Cobb asked if Ms. Katz would be willing to entertain the thought of taking questions. Her concern is that she has trouble with her hearing. The portable microphone was utilized.

Ms. Cohen asked about the statement that she reported about the purchase agreement. Are you saying this was a condition in the agreement, but from your statement you were saying that was a requirement for those who signed the purchase agreement to not speak on the project.

Ms. Katz responded that is correct.

Ms. Cohen asked Ms. Rothenberg's opinion.

Ms. Rothenberg answered that she did go to Law School, and what I hear is that by signing the purchase agreement and moving forward, the party would be breaking a condition if they spoke out against the project.

Ms. Cohen said it would break the purchase agreement but they could still speak.

Ms. Rothenberg stated she has not seen the agreement so she is going off of what she heard. If you are asking me legally, what the consequences of that kind of language would be an agreement, it would void the purchase agreement, it's not an actual gag order. Ms. Rothenberg stated that if they spoke tonight against the agreement it would void their agreement, which she thinks is a very large consequence.

Ms. Katz added that she was not ever given the agreement, she was not even given that option to sign.

Ms. Rothenberg stated it was really important the everyone remembers a few things. She sees the road we are going down. First of all, we have a Chair who we are going to respect for the rest of this evening and it is at his discretion to decide how much we want to delve into what. She stated the reason she did not get into it, was that the Law Department decided this is an agreement between two private parties and we have no say on it. There are no first amendment implications on it, so there is nothing that the City will take a position on, because it is between two parties. She feels it would be the Chair's discretion on how much time we should spend on this.

Ms. Cohen stated she has another question for Ms. Katz.

Ms. Cohen asked about her saying that the changes to the designs have not improved your view.

Ms. Rothenberg asked if Ms. Cohen wanted to see which house is hers.

Ms. Cohen stated they stood there yesterday.

Ms. Rothenberg asked if her house is under the Schwartz Trust, so what was just handed out today, is the proposed view from Ms. Katz's house.

Ms. Cohen asked her about the site improvements not improving your view.

Ms. Katz answered that when you have 8 foot trees and a 30 foot building, it's hard to imagine particularly from a second floor how that is going to improve.

Ms. Cohen stated that on their site visit, she specifically asked about the berm and the mounding with the trees. She remembered that Mr. Kluchin and Mr. Oynak shared with us, the mound is 6 to 8 feet to start and it meanders and the trees after 5 years will grow up to another 12-15 feet. She said when they calculated that as a group, we understood that the mounding would result in a height of 20-25 feet. That is what she is trying to understand.

Mr. Cobb asked if there were any more questions for her. There were none.

Mr. Cobb asked if there is anyone else who wants to speak.

A woman came to the lectern and stated her name is Diane Calta, 1620 Oakwood Drive, and she stated that she is also the President of the Oakwood Home Owners Association.

Ms. Rothenberg asked Ms. Calta if she is testifying on behalf of the homeowners association or is your testimony personal to your home.

Ms. Calta answered she is testifying on behalf of herself and her husband but she also is the President of the Association.

Ms. Rothenberg asked, but you are not speaking on behalf of the association.

Ms. Calta said there may be some questions about that.

Ms. Calta stated there are some procedural things, if you don't mind, she asked that the record of this meeting incorporate the record from the November meeting, if that can be done. She said that was the November Planning Commission in 2015.

Ms. Rothenberg explained to Ms. Calta that it was explained in November that the meeting was just a preliminary meeting, that the composition of the Board has changed and it is not part of the record. The decision making process is tonight.

Ms. Calta thanked Ms. Rothenberg very much for her response.

Ms. Calta stated that in November, there was a potential conflict with one of the Board members where she believes she recused herself from the discussion and she believes there still is an on-going conflict and she wanted to note that for the record.

Ms. Rothenberg responded and let everyone know, as she did last time when Hebrew Academy came before us for the high school and the clubhouse, which was an overabundance of caution when Ms. Cohen recused herself. When we looked at the issue again, she wrote a conflict memo and there is not conflict with any member sitting at the Planning Commission.

Ms. Calta stated that, for the record, she would like that to be noted and thank you for your response. She continued saying she would like to thank the Commission for their diligence and their review. She said she knows that the Chair has indicated that you have never had any information so voluminous and she believes this is probably one of the biggest projects the city has seen in many years, so it does go long and it is par for the course, there are many details and she thanked everyone for their diligence for listening and there will be many details that will still come. Ms. Calta stated that she is here today on behalf of herself and her husband. We have been on Oakwood Drive since 2002. She thinks that she may have mentioned in November, that we purchased 1546 Oakwood Drive in 2002 and then in 2011 we moved to 1620 Oakwood Drive. We love the street, we love the neighborhood so much that we have owned two houses and sometimes two houses at one time on the street. We are not the only ones, interestingly enough, she has learned. There is also another resident in the room that also has owned two houses on the street. She stated this is a community that cares deeply about our neighborhood. She stated they have no objection, as we have said, to the general concept of having a school on the property. She stated they do, however, have several objections, comments and requests of the Commission regarding the Hebrew Academy's application and their current plan. She stated she wanted to go through these, but first would like to give you a little background.

Ms. Calta stated she comes to this and her husband comes to this with a bit of experience. She stated they are both lawyers and we both practice in the area of municipal law. She has been practicing around 17 years and her husband is at about 26. She stated we have represented many municipalities, communities like Chagrin Falls, Bentleyville, Macedonia, Northfield Village, Pepper Pike, Orange, and Richfield. We have had projects that include the Rocksino, we have had projects for Progressive for Campus 2 & 3. We have had proposals for stadiums, for soccer and school expansions and we have had road widening. She stated she has worked through eminent domain so she does not come to this as the newbie, I come to this knowing that this is a very

delicate process. She stated she is not here as a complainer, she is here because she cares. She stated she has learned through the process that it is much easier to represent someone than to represent yourself. She stated this is my home, this is where my friends are, this is where we all gather, we have those moments and she wants to be here for a very long time. She said she wants the Hebrew Academy to be in the neighborhood and be there for a very long time. She stated this building is upwards of 185,000 square feet and it is 900 feet long. A Super Walmart is 175,000 square feet--this is not a small building. This is not an early childhood wing. Ms. Calta stated her first objection is to the insufficiency of the side of the landscape buffer. As she has indicated, the campus is no different than a large corporate complex. This calls for over 1,000 students in addition to teachers, staff, administrators and parents to come onto property every school day. Activities will also be held in the evenings. There will be regular food and supply deliveries, as well as garbage pickups. This is a commercial operation. She stated she lives in a residentially zoned neighborhood. These are two incompatible uses. She said they may be desired in the same location but they are incompatible and that is why this is here as a Conditional Use Permit. She stated that for this Planning Commission to place appropriate conditions on this incompatibility between the two uses. This Conditional Use should require at least a 150 foot landscape buffer between the building and our properties and that is the new property line. She stated she comes here as a resident, they come as a commercial operation. She said the concept here is to protect the residents. She stated the higher use is the residential use not the commercial use. She stated that is a rule of Planning. Ms. Calta stated they have placed the building 75 feet from the new option property lines with a mound and a line of trees in between. She stated, to achieve a sufficient buffer, we have been called upon to spend our money to purchase the option and as you have heard, originally there was question as to whether they would be honoring the option, and as you have heard and there have been representations that unless you agree to not contest in any forum this plan. She stated you have to agree to this condition to qualify for the price that was agreed upon. She stated the condition that Ms. Katz read, she said when she read it, I will tell you my response. She said I might as well turn in my law license before I would sign anything like that. She stated they have also been called upon to pay for additional buffering and landscaping in our option property. She stated that her husband and she can both represent that they have never had a developer put that burden on a neighboring property owner in a residential development. She stated they have been asked to spend substantial resources so that the Hebrew Academy can save money by putting a 200 square foot building just 75 feet from our property line on a 93-acre property. They contend that the property cannot be moved because of topographical challenges to the property. She stated the building can be moved, don't be fooled. She said can it be moved without additional expense being incurred, most likely, but this does not mean it cannot be moved, it just would just be more expensive to do so. She stated a larger, more expensive retaining wall would have to be built is what they have said and that some of the pieces of the school would have to be rearranged. She stated at this point, it is her opinion, that they have not done their due diligence and a movement of 15 feet is not sufficient. She stated if you recall back to the meeting in November, they had a Professor from CSU, he testified that with a sufficient buffer, the values would be protected in our houses. She stated that is the key here, a sufficient buffer, what is sufficient? Ms. Calta stated she represents to you that 150 feet would be sufficient. It has been represented to be sufficient by engineers that we have consulted with architects, landscape architects, all because as Mr. Neff said tonight, she did not know if your caught it, his comment was "with the additional 15 feet, they have been

able to add a significant amount of additional buffering, can you imagine what they could do with an additional 75 feet?

Ms. Calta stated that the Hebrew Academy expects us as adjoining property owners to suffer detrimental consequences because it did not perform its due diligence before it purchased the property. It is not uncommon for property owners to come before a Planning Commission based upon a purchase agreement that has a condition in place that requires the property owner or the buyer of the property to receive the approval from a municipality before they enter into a contract. She stated that did not happen here. They bought the property at a significant expense of 4 million dollars, twice the amount that it was purchased for 4 years before. She said you may recall when Mr. Neff spoke earlier this evening, which the service road was 10 feet from the property line and the building was 60 feet. She stated the fact the plan has been slightly improved should not be seen as a sufficient effort to respect the quiet enjoyment and the value of our properties. She stated these improvements should not be seen as overly significant, just because the base point of the original plan was so awful and, ironically, the Hebrew Academy is providing a larger buffer to the Walmart than to my property. She stated in Orange Village there is a new lifestyle center that is abutting residential neighborhoods. She stated there is a 250 foot landscape buffer and she has been told at a cost of over a million dollars to construct. If you have been on 271 going north before Chagrin, you can look at it, it is massive, it is huge and it is to protect the properties that are behind it. She stated, number 2, if I can conclude with the buffer, we would ask that a condition be imposed that at least a 150 feet landscaped buffer be provided and that it be constructed first, so at the time that these trees are cleared, and I have not heard when they intend to clear the trees, however, if there are Indiana bats or long eared on that property, they are going to be clearing that within the next few months. She asked, so as a condition, she asked for that buffer to be put in, and constructed at the time the trees are cleared, and if that is done as early as or prior to April 2017, she asked that it be put in immediately and not only constructed but that it also be landscaped.

Ms. Calta moved on to discuss the split off of the 22-acre parcel on the south end of the property. She has never seen in a lot split request, them coming in to split off a property for a future use that is not identified. She stated if it is going to be for the expansion of the school, it does not have to be split off. They have requested the 22 acres on the south side of the property be split off as a separate parcel and as I have indicated, it is reserved for future use. She stated, mixed into that, she has heard it's for future expansion, it's for future use, it's for residential use, it's for high end residential use and according to an e-mail that Mr. Wong received, which I requested in a public record request, it is the subject of inquiry from local real estate developers. She stated that property abuts retail in South Euclid, it is likely to be developed as retail. She stated if it is developed as retail, this will be a mixed-use development. She stated that according to the City of Cleveland Heights, the Code imposes a 150 foot buffer from a mixed-use development. Why can't the building be moved to this location? She stated they were told because it needs to be reserved for expansion of the school. We believe that the request is an end-around the requirements to meet the mixed-use code. If the Conditional Use Permit is approved with a lesser buffer, the genie will never be able to be put back into the bottle when the 22-acre parcel is developed. She stated, as a result of this, we are asking as a condition that the 22-acre parcel be deed restricted, only for educational campus use as a condition of the permit. She asked that the development be considered a mixed-use development and require a 150 foot landscape

between our properties or that this Commission hold off on permitting the parcel to be split off until a plan for its use be presented to the City.

Ms. Calta moved on to her third point, Number 3, and she believes this was addressed by Ms. Hamley O'Donnell at the initial point of the meeting. Ms. Calta stated this plan is not in conformance with the Conditional Use Permit granted to the Hebrew Academy for the high school in January of 2016. She stated that you may recall that she was here and she then mentioned that she opposed the piecemeal approach to the approval. She stated that in those two plans a parking lot has been moved, a ball field has been moved, she apologized, a ball field has been taken out and parking has been put in. She stated these plans do not correspond to each other and that should require the Hebrew Academy to come back and have an approval of an amended high school plan, a Conditional Use Permit for the High School. She stated to her understanding, there have been no application to amend the former Conditional Use Permit that was granted and this needs to be made and considered and it needs to be placed before the Planning Commission for approval and we ask that this be placed as a condition as well.

Ms. Calta said the fence between the Oakwood Drive properties and the Hebrew Academy, all of you have touched on that so I won't spend too much time. She stated they were never consulted or asked about what sort of fence that we would like. She stated of course, we would like an ornamental fence and not a chain link fence. They are both black, you can see through both of them. She stated we were previously told that the fence between our properties would not a straight line, but would meander with the buffer for a better esthetic use. She said that is not what we heard here tonight. She sees that the fence is shown in a straight line or we were told tonight that it would be a saw tooth. She stated what is not shown on the plan is a 60 foot buffer that is on the land right now, that prohibits any buildings or structures within 60 feet of her existing property line. She stated that is not shown on the plat and if for some reason someone does not exercise it as their option, that needs to be place on the plat because it is of record. You also should note that the motorists on Warrensville Road have been afforded a decorative fence but the owners on my street have not. She said that according to the Cleveland Heights Code section 1166.0(c)(1), chain link fences are not permitted in a buffer yard between adjacent developments. She stated this issue was raised by me to the Planning Department and she was told that this section only applies between abutting parking lots and residential areas. She stated if you look at that code section, she begs to differ with you. She stated it makes no sense to be interpreted like that and it should be reviewed and a chain link fence should be prohibited and a decorative fence be required along all of the properties that abut the development. She stated at the end of her street, we have some new neighbors that are HAC alums and she received a call from the owner's father asking her what sort of fence would be put up. She stated this was a month or so ago. She stated she sent Mr. Kluchin an e-mail and Mr. Kluchin responded that is going to be a chain link fence. This individual that she spoke with asked why it can't be a decorative fence. She said she replied that they are not proposing a decorative fence, it's a chain link fence. She stated, even one of their alums thinks that a decorative fence would be more appropriate.

Ms. Calta continued saying that the size of the trees and landscape buffer and she recalled the planting 4 to 5 feet. She said tonight it was represented that they would be 6 to 9 feet. She stated they will not grow, and this has not been sugar coated, they will not grow to the height for at least 5 years. Mr. Neff made that very clear, but what she wants to make very clear is, these documents contemplate 3 years of construction,

2017, 2018, 2019 and opening in 2020. That does not mean 5 years of growth. If this mound is not constructed when she has asked for it to be constructed, you will be looking at 8 years without a buffer. She stated that is not reasonable and that is not acceptable and it should not be acceptable to this Commission. She said, due to the size and the proximity of the building, the Commission should require the Academy to plant taller and more mature trees that will provide better screening from the outset.

She stated, regarding the storm water plan, and it is her understanding that this has not been finalized yet and the final calculations have not been made. We are concerned with the storm water issues because we have flooding we have experienced in our houses on the street due to changes in the Oakwood Club. She stated they changed some of the drainage many years ago and it is not optimal. She wants the City Engineer to make sure that the storm water plan and calculations account for water naturally coming on to the Hebrew Academy from other adjacent properties, not just the storm water generated on the property. She added we have development in South Euclid and some that happened a few years ago and we have more now. Just like the traffic study, it takes into consideration the other communities, the storm water plan should be reviewed in light of those storm water calculations that were done for the initial Walmart and for the current expansion. We have heard that the Hebrew Academy has been generous to place drain tiles that we can connect into. She stated that when you build a mound, the water has to go somewhere. She said, so yes, they are going to take the water from their side, there is water from our side that only increases the water that already are having an issue with. It's great that put in drain tiles, but it has to go somewhere and when you tie it into a system that is antiquated as ours, it is a recipe for disaster. She stated no one has looked into that. They said we can tie in, that's great, but when you tie it in, you are adding to a system that is already taxed. She stated we also would like to make sure that the storm water detention and she thinks they are actually noted here as retention ponds, that the Hebrew Academy has an agreement with the City and a sufficient bond to ensure that these basins are maintained and the maintenance of them is carried out. She stated that is a pretty common requirement, she did not see it in the letter, but she would ask that it be required. She stated these basins need to be maintained and often times people do not do that. Some property owners are not familiar enough with these basins and what needs to be done and when. She stated these maintenance agreements clearly spell out what you need to do. You need to mow them, you need to inspect them and make sure they are functioning properly after heavy rainstorms. A maintenance agreement would spell that out and it would place a bond with the city to make sure these maintenance requirements are carried out. She stated if they are not, that bond can then be used to make repairs. She stated in addition, the Army Corps of Engineers Permit expires in February of 2017. She believes you have that in your packet and it shows it is good for 5 years. The Conditional Use Permit should be conditional and contingent on the permit. She stated she has heard a couple things tonight. She stated on the property there are isolated wetlands that are governed by the State of Ohio. There is an impact to those, there will be a permit. There are streams that are regulated by the Army Corps of Engineers. If those are impacted, the Army Corps of Engineers requires that this jurisdictional determination be reviewed and revised if any construction is done. She stated if this expires, they might not impact anything. It is her understanding that there is going to be a culvert put over the stream and there will be rocks placed around. It is to be ornate and decorative and beautiful. She stated that is an impact on the stream and she is not just saying that. She stated she talked to the Army Corps this week. She stated she talked to the woman that did the determination back 5 years. She stated she

walked the property and is familiar with it. She said they have submitted plans and they have withdrawn them. She stated that has to be followed up on and should be included as a condition. She said the lighting plan provides for zero foot candle trespass on the property. She did this in coordination with her husband, she said she looks at the lighting plan, when she looks at the foot candles, it doesn't say zero at the property line, notwithstanding, the concept is, even it is zero foot-candles at the property line, that doesn't mean we don't have any lights from the project. Therefore, she is also requesting as a condition that the parking lots and other lots be reasonably screened whether on the light poles themselves, or otherwise to minimize the view of the lights from the upstairs floors of our homes. She would add to that, it differs depending on the season, when the trees are leafed out, you don't see things, when they aren't you are going to see things. We would ask that be added as a condition.

She wanted to speak on the cut through traffic you hear about. This is something we have always had, they can't do anything about it except for their very understanding of the condition and they have sent e-mails and letters and she has no doubt that it has happened, however, people still do not listen. She stated she lives there, she leaves every morning at 7:30 and there is no signage. There is no stop sign, there are buses, cars, and kids walking with no stop signs at Wilmar, the main entrance into the High School which is unacceptable. She stated if everyone checks their news feed, there was just an accident at a high school down south where someone was killed by a bus. She said the cut through traffic is all of our issues and she did not think we have to wait until someone is hit to do something about it. She stated there are pieces and parts of this project that will develop, that will change, that we will have to adjust just like any project but this is not something that can wait. She stated this needs to be studied, addressed. She stated we do not have sidewalks, there was a question earlier, there are no sidewalks along Oakwood Drive or from Warrensville Road to the front of the Hebrew Academy High School. We are responsible for our private drives. She stated it is not like we are sitting here saying we do not want cut through traffic, we don't want people, it has nothing to do with the nature of we want to be private. She explained we have a private road that is 100 years old that is made of brick and every time someone comes down it, every time someone turns around on it, there is damage that is done. The repairs to a road like this that has to be replaced, you are talking about a million dollars. A million dollars and that would does not include the utilities that would have to be replaced with it. This is something we want to protect. She said they do not salt our roads in the winter. If you have ever been on my street in the winter, you have to be careful. People have slid off the road. She has called the police department on numerous occasion when somebody has been stuck. She stated, all of her neighbors have. She said they drive down the street too fast, they don't know it is not salted, and off they go. We will need to put up gates to prevent cut through traffic. This represents another expense and another inconvenience that we will have to engage in, there is no doubt as a result of this development. We are requesting as a condition of the Conditional Use Permit that the Hebrew Academy be required to bear this cost with us for installing and maintaining two privacy gates that are necessary to deter cut through traffic that we know, already had been exacerbated by the Hebrew Academy High School. She believes there are only approximately 100 students there right now. Ms. Calta said that back in the 1950s, Oakwood Drive was afforded ingress and egress out of our street over the Oakwood Club. However, that agreement does not spell out anything to do with maintenance. We have this area we often call no man's land and that is from Wilmar, the front entrance to the High School to where you get to our bumpy brick road, it's called no man's land. It is, she pointed it out on the overhead

slide. She stated the Hebrew Academy does not regularly maintain this property. She said when the club was in operation, they did, and they generally used that point of access to get to the course. There is access that was the service drive for the golf course. She showed the access drive. She stated their association has trimmed trees, cleaned up debris and garbage in the area. She did make one exception to that, there was a recent storm in our neighborhood and trees were down and the entrance was blocked. The City of Cleveland Heights, as she understands, came out and opened up the access and those trees were cleared by the Hebrew Academy, but only after some dialogue to have that happen and only about a week later. She stated again that their association has trimmed trees, cleaned up debris, hired landscapers, we have spent thousands of dollars in this area to make it look better. She stated they have also paid for plowing because the Hebrew Academy does not plow from, this is when they were not in operation, from Warrensville to our street so we have hired people to plow. The problem is we are put in a very awkward position of hiring someone to maintain this area and plow the area that we don't own. She stated they have raised these questions with the Hebrew Academy and they have not followed up on our concerns, we would request that as a condition of the permit that they be required to enter into an easement and a maintenance agreement so that it is clear what parties are responsible for this access and that it be maintained, open and clear for everyone's access including police, fire and other emergencies. She asked, in closing, that all these conditions be recorded of record, I ask that if the use ceases for 6 months or more, that the Conditional Use Permit be voided and I also ask that there be a review of these conditions every year to insure that there is compliance and I think that only makes sense based upon what Ms. Hamley O'Donnell has outlined. She stated all of her conditions would be in addition to what has been outlined by the administration. She also wanted to point out that the agenda for this evening only identified a request for a Conditional Use Permit and it does not identify any other requests of the Commission this evening. If you are to consider anything else, it has not been properly noticed. She thanked all for their time and she is available to answer any questions.

Mr. Horowitz spoke and stated that was a long, long list of stuff and he stated he did not have in writing other than his scribbles.

Ms. Calta responded that she had a copy for him for the record.

Ms. Rothenberg asked her if she would like to submit that for the record.

Ms. Calta said yes.

Mr. Horowitz asked the question if she has communicated this pretty long list to staff at any earlier date.

Ms. Calta received the staff report yesterday or maybe the day before.

Ms. Hamley O'Donnell stated it was emailed to her last week.

Ms. Calta stated this list of conditions was compiled after we received a copy of the staff conditions so it has not been given to staff. It was really hot off the press and finalized prior to this meeting. She did apologize that it was not able to get to your staff prior to tonight but it was based upon the conditions that were included in the staff recommendations.

Mr. Gaynier asked about the cut through and what was the connecting road.

Ms. Calta answered Wood Road, which is more more of an alley.

Mr. Gaynier asked if it was not blocked.

Ms. Calta answered it is not blocked but there is a cement barricade that forces you to go right, so when you cut through, you go right, you turn around in a driveway and then you go and it forces you to go out this way. Some conversation was not heard as she spoke from the front of the room as she pointed to the slide answering Mr. Gaynier's questions.

Ms. Cohen asked about the other school on Warrensville Road that you have been dealing with and the cut through traffic.

Ms. Hamley O'Donnell answered she did not have a sense, there is another school at that location, just across the street (she pointed it out). She said that neighbors have claimed in November that kids might be coming from Mosdos, next door but she did not know.

Ms. Calta asked if she could elaborate on the cut-through traffic. Again she states that she invites anyone to her neighborhood, it's wonderful, please walk, drive whatever, but we do maintain our road, there is an expense to do that and we are very protective of it. She stated she has asked her neighbors to document cars and report them to the city and she has been told through the grapevine that unfortunately the city will not issue any citations unless they have police officers there to view the cut through. She stated that on various different occasions, we have had officers at Wood, Wilmar, and pretty much by the school but unless you have an officer at Wood and at Wilmar and they are communicating and they can see this, which is probably not the most efficient use of the police forces in this city, you are not going to be able to cite anyone. She said there has been very little ability to enforce anything, if that makes sense and that is why we have come to the conclusion that gates are the only solution.

Ms. Cohen asked for one more question for staff, really both together.

Ms. Cohen stated she is very confused about Ms. Calta's statement about the 150 foot barrier being required for a commercial development, according to code, this development is considered.

Ms. Hamley O'Donnell stated this entire parcel is AA-zoned. In South Euclid, in order to do the retail or commercial use, they rezoned their land, she did not know the details of that, but our land in Cleveland Heights is all zoned AA zoning which is the most restrictive residential zoning we have so in order to develop something as a mutli-family or commercial mixed use, that would require City Council to rezone the land.

Ms. Rothenberg stated because actually for rezoning, first the Commission would hear it at a public hearing, Planning Commission would make a recommendation, then there would be a public hearing after your recommendation and Council would then ultimately decide to rezone. So she stated there are actually two public hearings that would happen before anything was rezoned.

Ms. Cohen asked then in staff's reading of the code, this proposed project fits with the zoning as is which requires the 60 foot, no which requires the 50 foot.

Ms. Rothenberg stated it exceeds the code.

Ms. Hamley O'Donnell stated it requires a 50 foot set back from property lines for a school use which is conditionally permitted in a AA zoning district.

Ms. Cohen, said thank.

Ms. Rothenberg added that all schools are conditional uses in residential districts.

Ms. Hamley O'Donnell added that the vast majority of our schools, if not all of them, are in residential A or AA zoning districts.

Ms. Rothenberg stated that there were some other things that were said just about the code that might cause some confusion if you want me to respond I can.

Mr. Cobb stated that most of what she said is outside of our purview.

Ms. Rothenberg stated that one thing she wanted to make sure and really clear and it may make sense. It might make sense for Brian Gillisepe to come up, as he knows more about the environmental review that the City does but it's really important to know that in the Building Code – Chapter 13, she stated that she is not an expert but all cities had to pass this, it is really rigorous and whenever you have a development on a site that is more than an acre, there is a Storm water Management program that has to be reviewed by the early stage of the project and we also reached out to the sewer district to get their input as well and they offered it and they, of course, are more experts than we are. She stated this is for both pre-construction and post-construction so there was some suggestion about a bond and a maintenance plan and they are important and she understands why they were raised but it is her understanding that the Storm Water Management Program, set forth in Code chapter 1335, and permitting by the Ohio EPA and other things that experts look at will take care of those environmental concerns and maybe someone who is more of any expert could speak on this. She stated she would be hesitant to get too bogged down in the details, we did try to get ahead of it and make sure that experts were looking at this since it did not make sense to us to show you something that was never going to get a Storm Water Management approval from the City side or the sewer district did not like or that Soil and Water Conservation people did not like. Ms. Rothenberg also wanted to share with you in the code, that in a residential area, a chain link fence is not permitted in a front or corner yard and that means it is permitted as a right in a backyard in residential district, so she is not sure where the confusion is on that.

Ms. Rothenberg added just so everyone knows, the notice requirements for the City Of Cleveland Heights have to do with publication and to the neighbors that are in our Zoning Code, newspaper publications, neighbors, and the lot split was in all of that, it was just a type that it was not on the agenda tonight. Ms. Rothenberg stated she is not concerned about proceeding on the lot joining as we have met our notice requirements.

Ms. Rothenberg interrupted Mr. Cobb just to caution against any conditions that were suggested that really involve the two private parties. It just reminded her of the chicken coop situation in Forest Hill and a deed restriction was needed so the Law Department just stayed out of it and the City stayed out of it. She stated whenever it is something between two private parties, it's just not in the City's purview, so some of the suggestions that were made had to do with things that were really between the Hebrew Academy and the neighbors and about a private drive, so she would just caution against getting the city involved in something between two private parties.

Mr. Cobb asked if there is anyone else here that wants to speak in opposition to the applicant. There was no one.

Mr. Cobb asked the Board if they feel they need to have the applicant respond to get more information or do we feel that we are in a position that we want to make a motion and have some discussion.

Mr. Mattox, Jr. stated he needs a response to some of the things that he has written down and heard.

Ms. Rothenberg reminded everyone that is in the room, who has reviewed the plans, if you have a specific question, like we have the Police Chief and Soil & Water Conservation staff and Bryan Gillespie, traffic engineer, to speak yet. If you have very specific questions about anything that involves traffic or engineering, we can handle them since they are here with us tonight.

Mr. Cobb stated let's start with that, if anyone on the Commission has a question for the government experts or officials that are here, please ask that.

Mr. Gaynier asked what is the city's responsibility regarding these cut-through areas, there is a concrete berm of some kind, it seems to be designed to say "don't do this" but people can still get around it and get into a private street.

A man came to the lectern and stated his name is Ryan Gillespie with the GPD Group, 520 South Main Street, Akron, OH and he was sworn in. He began with saying that typically he sees this a lot with cut-through traffic situations where you have residential neighborhoods and a lot of times the concern is more on excessive speeding, volume, safety or that sort of issue. Oftentimes when it comes up on public roadways, so it is not an issue since the public roadway funded by taxpayer money should be open to all and as long as there is not any safety issue, it is hard to do and as noted it is hard to enforce without having people at either end and seeing the cut through happen and difficult to do anything about it. In this particular case, because it is a private road, he agrees that the City is not responsible for enforcing that because it is not public road and the restrictions of being a private street. It is just like if you wanted to keep people off your property. He felt the suggestion of installing gates would be the most effective and successful way to prevent this from happening. He understands there is expense in doing that, but otherwise trying to dedicate police to keep people from doing that. He felt the gates are the only real way to keep people from that property.

Ms. Chief Annette Mecklenburg came to the lectern. She stated she did take the oath.

Mr. Mattox, Jr. asked the Chief if she would recommend some sort of any officer in place along Andrews Road in terms of folks parked there and waiting for their children. He wanted to hear the Chief's feeling on this. She answered that she did give her opinion to the staff when we were discussing that. She asked if he was talking about leaving in the afternoon.

The Chief answered that is a concern, there are going to be a lot of students there, we have a large population that probably live in that area off Andrews Court. She said it was hard for her to gauge and take a guess as to what might happen. In the winter months, in the colder weather, that is going to be there shortest route home walking, that's a given. She figured you are going to have a line of cars parking on Andrews Court and this will block the whole street. She said that you also have the side streets there where they will wait there, thus blocking driveways and making passing difficult which is a safety concern. She said they are not really sure on what is going to happen or what could happen at dismissal time, so we do have concerns from a safety standpoint. She said it is something they are willing to look at, maybe give it a try and see how it goes.

Mr. Mattox, Jr. asked would it be your opinion that a lot of the issues that might arise, if they got congested, would that be on the Academy or would the City step into help, how do you see something like that, in terms of balance.

The Chief answered we would do our best to work with them. It is hard to say how many people would use that entrance, so we could be talking about a great number of cars and she did not know then if there is much they can do. She said to have an officer there to direct traffic every day on a daily basis to keep things moving, it probably is not going to happen. We would do our best to work with them to see if something can't be worked out.

Mr. Cobb asked if there is anything else for the Chief.

Mr. Cobb asked if there were any other questions for the experts that are here. Who would you like to hear from?

Mr. Horowitz had a question and he thought the right person could answer.

He stated he is concerned about the traffic modifications and he knows this is getting into something technical and not the key issue for some people. He asked about Condition 10 and Condition 16, the new Condition 16 both deal with it partially but he did not see from the turn lane specified in our conditions.

Ms. Hamley O'Donnell answered, that was submitted as part of the proposal and their traffic plan.

Ms. Rothenberg added that it was a summary of what is before you in terms of what the traffic plan is. It is not a Condition it is part of the proposal. Ms. Rothenberg added just like the traffic light and number 10 is an example, also like at Andrews Road we want to have a bit of flexibility so if problems come u , they can be addressed just like the Chief stated. That is why you see them separate.

Mr. Horowitz then asked about the chain link vs. decorative fencing and also location of the drain tiles and assuring that there is proper drainage. He asked does that all fall under Condition #5 requiring Planning Department approval.

Ms. Hamley O'Donnell said yes, the drainage and fencing plan would that also encompass the required chain link. She answered that what is before you are the drawings that were submitted to you which is the fencing plan included in the back. This was included in case there were modifications.

Ms. Rothenberg said she did not want HAC to have to come back, the fence still has to go before ABR.

Mr. Cobb asked just along Warrensville Road?

Ms. Hamley O'Donnell stated, anything that is front of this line, she pointed it out on the overhead. This part of it will have to go to ABR.

Ms. Rothenberg asked is it ok to just add the fencing.

Mr. Cobb stated he thinks we want to have the entire fence go before, so we leave someone with some discretion to say this is not appropriate.

Ms. Rothenberg said you could just say, either Director of Planning or Architectural Board of Review, would make sense to review the entire fence plan. Under code it just has to be the frontage, but you can add any condition you want. She stated she is trying to suggest that ABR would be the appropriate level and that would be where the condition should be, if you are in agreement.

Mr. Cobb asked then how would that be worded, we are getting way ahead of ourselves.

Ms. Rothenberg said instead of adding fencing plan to No.5, which was what had been suggested, put it in number 3 so the ABR would review fencing for the entire site.

Mr. Cobb then said, so we would take fencing from No 5.

Ms. Rothenberg reminded them that the neighbors will get notice from ABR about the meeting.

Mr. Gaynier asked a question to Ms. Hamley O'Donnell, in No. 7 where it talks about the berm construction and near the beginning, is that something we can control, that it be finished with the planting before construction begins.

Ms. Rothenberg stated you can do whatever you want, but just finished reading this Storm Water Program and knowing how restrictive it is about pre-construction, post-construction plans, if you are concerned about erosion and environmental effects on the neighboring properties, she thinks that it may make more sense to let that be part of the Storm Water Management Plan, again you can hear from Brent Eysenbach if you want.

Mr. Cobb asked Ms. Hamley O'Donnell in respect to this Sept. 14, 2016, letter from Ms. Calta, did you get that letter before this meeting?

Ms. Hamley O'Donnell answered no.

Mr. Cobb asked if she read it. Am I the only one that has it? He decided to take a 7 minute break. Ms. Rothenberg stated let's get some copies and if you wanted to talk to each other, no in a public setting, you have the right to move into Executive Session if you needed to that. If you don't want to do that, take a break, read it, and don't speak to each other about it.

A break was taken and they returned to the room

Mr. Eysenbach with Cuyahoga Soil and Water Conservation District, 6100 Valley View Road, Cleveland, Ohio, approached the podium and affirmed he was previously sworn in.

Ms. Rothenberg asked what the relationship between the city and your company is.

Mr. Eysenbach answered saying that the City of Cleveland Heights contracts with Cuyahoga Soil and Water Conservation District to help administer the storm water management plan that is required for cities under the national pollutant elimination systems program. This is also required to help you with the minimum control measures.

Mr. Cobb asked if there were any questions for him. There were none.

Mr. Eysenbach stated a few things that could be addressed. He said that in his letter to Mr. Wong he had not previously talked about requiring a storm water pollution prevention plan review or things like that because it is required under code. This is required by EPA construction general permit. He said the storm water calculations will be reviewed and so forth. He had made some notes earlier and some questions that have come up that he will hold until those documents come our way. He said additionally she had mentioned the Maintenance Agreement, which is a Ohio EPA Construction General Permit requirement that a long term operation and maintenance manual be prepared and given to the owner upon completion of the plans so they know what they are taking care and how to it properly. A separate but equally important component of that is a maintenance agreement, it is per the city they require a PDDDES and an adequate program be administered and timely and long term met at that facility. This is left up to the Planning Department on exactly what is adequate and through the course of their review and working with the Planning Department, we do make agreements. He stated their goal at the Soil and Water Conservation District is to ensure that those basins operate correctly and that they don't get left behind. There was some talk about the wetlands and the streams and he thought that some of the points that were raised as far as the expiration of the jurisdiction determination might be worth considering. This would tell if the wetlands haven't expanded or contracted but, again, that is all conditional upon when construction begins and at this point it appears that Neff and Associates and the Hebrew Academy have made provisions to avoid streams and wet lands to the maximum.

Mr. Cobb thanked him as there were no questions for him.

Mr. Cobb asked if there is anything further from anyone that is here tonight that is speaking in opposition to this project that already has not had an opportunity to address us.

No one spoke.

Mr. Cobb then asked if there is anyone from the applicant's side, and he would ask that you limit yourself to issues that are to this Conditional Use Permit.

A man came to the lectern and stated his name is Harry Brown, he stated he is an officer of the Hebrew Academy for the past 37 years and his wife is an alumna but he is from Portland, Oregon. He stated he works at 200 Public Square #23 44114 and he appreciates the Chair's courtesy and he understands that this is to be short. He is sorry that Mrs. Katz is not here but he did want to applaud one thing that she said. She used the phrase "distortion of the facts" and that is what absolutely characterized both what she said and what Ms. Calta said. The only reason he is standing up is in order to get the facts before this Commission and only the issues that have addressed that need to be clarified. He said the technical issues, I believe and am not going to go over them. In terms of the lighting, fencing and storm water and the like. He said during their short break and we are prepared to withdraw the request for the subdivision of the 22 acres and that has been anticipated by the Assistant Law Director, we will do what every you want if it is best that you remove it, that's fine. If it is best and procedural that we remove it, that is also fine. We don't want to get sidetracked in what we think is at best a future issue, not right now. He wanted talk to us about the distortion of the facts. The building is 134,000 Square feet and Ms. Calta's letter really should have been given to us as a matter of courtesy. It is not 200,000 square feet, it's not and the student body is not 1,000. That is the entire student body of our school which includes what we have on Taylor Road and what we have had until recently in Lyndhurst and what we have in Beachwood, it is much smaller that. The more important thing is and the characterization that we had or tried to have with the homeowners over this period of time. We have had numerous meetings and Mr. Soclof has reached out to Mrs. Katz many times. We have tried to be accommodating and we have had Mr. Neff and Mr. Kluchin available to them. To say that we have bent over backwards and made significant concessions at very significant costs would be an understatement. He wanted to address this idea that there is fear. There isn't any fear. There is a real disagreement as to what the purchase price under the option should be. This option concept goes back to the original foundation of Oakwood Country Club. There was a deal made with the neighbors. If you agree to let us have a Country Club here and use this for an institutional use for a recreational use, we will concede certain things to you as a condition of your approval. One of those things was the option--the option said if the property sells, you can buy the property at the price in the hands of the buyer. He stated, which buyer? The Mitch [Snyder] buyer or the Hebrew Academy buyer? He said the homeowners say that it is the Snyder buyer and the Hebrew Academy says it is at the Hebrew Academy buyer. He said he just paid a \$1.04 per sq. foot for this property and he is going to give that to you at that price if you decide to exercise your option. You want to go back in time and you want to have a prior buyer's price and you want me to sell the property to you at half of the cost that I paid. That's not what the agreement say. He said Ms. Calta and he had discussed this and with Mr. Bryan as well and we disagreed. I told Ms. Calta and I told Mr. Bryan in our very extensive discussions with Mr. Selker, look we are willing to concede to your price, to give up half of what we paid in order to have your consent and your support but I am not going to enter into a contract that says you can have this for 52 or 53 cents a square foot and sign that agreement and bind myself to it without buying your support of this project. That's the consideration for me. He stated that is what they did. He is sorry to admit

this but Mr. Selker said that I will not sign an agreement that contains that clause and we took it out. The characterization that Ms. Calta has who is a very smart and experienced lawyer are very troubling to him. The law recognizes that residential neighborhoods need schools and that is why they are not treated like commercial and multi or mixed-use districts. It is necessary to have schools in a neighborhood. That is why a school is a permitted use in the most restrictive neighborhood subject to the approval of the City which deals with all of the numerous conditions which are reasonable and that we have agreed to. He stated that both Mr. Kluchin and Mr. Neff have made it abundantly clear that we have not asked for a variance. We have wanted to live within the parameters set forth in the city codes for this kind of a use in this kind of a district. What we are asking for tonight is your approval of this and the recognition that essentially we could not move this 150 feet without impacting the stream and the wetlands and the extraordinary topography of this which frankly would have made it impossible to build this school at an reasonable cost. The culvert will be in conformity with all the applicable regulations and like so many things there are many levels of regulations, the city, the county, the core of engineers, the storm sewer people. Your Conditional Use Permit is conditioned upon us meeting all of those other requirements. He stated we have jumped through hoops at numerous meetings and shared with the homeowners the package of plans. It is now September 14th and this is the first time we have heard any response or objections. He said he does ambush people, we should not be ambushed. We have met everything that the city and the Planning Commission have wanted and we respectfully request a positive vote. Thank you.

Mr. Neff came back to the lectern and stated he thinks we shared the progression of the plans with you. There were probably another dozen plans. We are not impacting any streams or putting a box over or in the streams we are putting a bridge over the stream. The stone he referred to is a facing on that bridge for esthetic purposes, not impacting anything. We are cutting off the drainage that is running to the neighbors. We will manage the water per the state and your requirements. As far as the lighting we have been especially sensitive to that. The ballfield is in the location that was approved for the high school, there is not a change. He stated we will conform to all of your regulations. Thank you.

Mr. Cobb stated there is a question about the buffer and the early concerns about when the buffer was going to be put in vs. the construction.

Mr. Neff answered that they provided staff with a memo indicating that we will during the construction process, keep in mind once we mobilize, there is clearing of trees and movement of the soil, we will construct that mound at the first onset of that project. We have to get all our soil erosion in place so that will be put in at the earliest convenience during construction but their intent is it will be in the first part of the construction. So the mound will be constructed and seeded and he respectfully requests during construction, we do not want to be planting and trying to maintain it then so we will do the final planting of trees near the completion of the project. While the building is going up and the construction is going on we don't want to do it then.

Mr. Cobb did not see Ms. Dunbar had a question. She asked if the future development remains AA zoned and the answer from staff was yes. She asked about the maintenance of the road but with the comments made so who is responsible for that, is there a little section in dispute about this.

Mr. Neff answered that the Hebrew Academy has agreed to maintain the roadway adjacent to them. A correction was voiced, up to that driveway

Mr. Cobb asked what governs the other part of the roadway, is there an agreement?

Mr. Brown answered that there is an original documentation with Oakwood indicated that there was going to be a joint use, it was not careful about allocating who is responsible and it essentially provided for self-help. For example, we have been trimming our trees since they would not stand up to the bad weather. That was self-help. There is currently no cross-easement or maintenance agreement. That is because there has not been one for 60 years.

Mr. Cobb asked for a motion for this project:

A man stood and wanted to speak, He was sworn in. He said he was Brad Bryan who wanted to speak on a few items. In the past few years, it has not been a problem because when Oakwood owned it they took care of the property. He does want an agreement even if they share the responsibility. He wanted to submit a floor plan to the city for review and it adds up to 183,682 square feet that does include the atrium that the Academy may not be counting.

Mr. Cobb asked for a motion.

Ms. Hamley O'Donnell clarified that the alterations made to the staff's recommendation. She put them on the overheard. There are alterations to #3 we would suggest to send to ABR the fencing plan for the entire site. There are no changes until we get to the, number 16 which we eliminated, so what was 16 becomes 17 and there are no changes suggested there, what was 18 becomes 17 and we suggest the revision a sidewalk or path for the public shall be installed along Hebrew Academy owned frontage along Warrensville Center Road. 18 becomes 19 with no change to that. There is any addition of 19 which says Planning Commission approval of any lot resubdivision.

Mr. Horowitz asked to add a condition that the Hebrew Academy will maintain the northern access road to the west end of its property.

Ms. Rothenberg did not agree so she did not want to give that her stamp of approval.

Ms. Cohen made a motion, but Mr. Mattox, Jr. agreed with Mr. Horowitz and was not happy either, so this was stopped.

Ms. Cohen made the motion that we approve Project 15-31 with the amendments to conditions as stated by staff.

Ms. Rothenberg interrupted her and asked for a motion that the portion of this project that deals with the lot re-subdivision be continued for no more than 90 days so we can just get that passed.

Ms. Cohen asked that we remove the part of the staff's recommendations that deal with the lot re-subdivision and be continued for up to 90 days.

Mr. Cobb asked is there a second.

Mr. Horowitz seconded it.

All in favor, Aye,

Any oppositions, none.

Any abstentions, none

Ms. Cohen made the motion to approve Project 15-31 with the amendments to the conditions as stated previously by staff.

Mr. Cobb asked for a second.

Mr. Rink second the motion.

Any discussion. – None.

Mr. Gaynier felt that the private road is still an issue. If nothing else we should encourage the Academy to come to a solution with them.

Mr. Cobb wanted to thank everyone for being here tonight and being very professional. He wanted to thank the staff for the hard work that they have put into this. He thanked the neighbors for allowing them to come on to their property and sharing with us their thoughts and the Academy that has been put into this and the design changes and costs that you incurred. He apologized for it almost being 11 PM.

All in favor say aye.

Aye.

Anyone opposed, no.

Any abstentions, no.

Congratulations it is passed.

/kc

Craig S. Cobb, Chair

Richard Wong, Secretary

