

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

**HELD IN COUNCIL CHAMBERS AT CITY HALL  
6:00 P.M., MAY 1, 2007**

Chairman Lytkowski opened the Public Hearing at 6:15 p.m. and the following responded to Roll Call:

**PRESENT:** Dale Lytkowski, Chairman  
Fred Ramos, Mayor  
Gregory Kurtz, Vice Mayor  
Jack Shallcross  
Thomas Narduzzi

**OTHERS**

**PRESENT:** Donald Elewski, City Engineer  
Gregory O'Brien, Law Director  
Ron White, Executive Assistant  
Jeffrey Markley, City Planner

Chairman Lytkowski stated that before the Public Hearing begins, he would like the Mayor to make a few comments about what is the purpose of the caucus. The Mayor stated that he anticipated that there was a misunderstanding. He needs to explain to the audience the process, and this is a process that has been going on for many, many years. On the Agenda it states that the Planning Commission will meet at 5:30 p.m. to discuss items on this Agenda. What the Commission does is that they go through each one of the items and ask what the issue is about. What the lot splits are about, what the subdivisions are about, if all the information is provided. Basically, what happens is that the Planning Commission gets their packets normally on Friday, and they have the weekend to look at it. They use that period of time to give a summary or sketch, a thumbnail approach, as far as what the issues are. If there are any outstanding issues, is there something they should be looking out for and things like that. There was a 5:00 p.m. Council Workshop regarding the senior housing thing. They remained seated in that room. Basically, Dale Lytkowski came in, and he just went through the Agenda. There were roughly 9 people of the public that were there. There was also Tara Quinn from the Sun Newspaper. This was not meant to exclude anyone. All they basically said was that they asked Jeff Markley, who reviewed the plan, if he had any comments. Jeff basically said that there were certain things that were changed. That was it. No decision was made, no discussion was had. The Mayor certainly

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

understands the concern that all of the residents have. Also, the Mayor asks everyone to keep this in mind – they have had many public hearings regarding this issue. And as much as some people may think that things are not being done in public, they have bent over backwards to make sure that everything is done in public. No decisions are going to be made without the public's input. They have continued this public hearing, and the Mayor would love to go back in the record to see how many public hearings have been had regarding the nursing home that was proposed for this site. Probably, 5 or 6 public hearings were held. The Mayor would also like to see how many public hearings were held regarding St. Maron's. He appreciates the fact that the public hearings have been continued, but they have been continued at the request of St. Maron's and not at the request of the City. The Mayor believes that the Commission really tries to get the public's input. Believe it or not, all of the members live in this town, have family in this town and have friends in this town. Consequently, it is important as far as the public input is concerned. The Mayor apologizes if anyone thought it looked terrible. If it looked like they were doing something; but basically, that is what happened. They will certainly be more conscious of it because they certainly value everyone's opinions. They want to make sure that this is something that everyone is aware of. That someone has an opportunity to voice their concerns, that the concerns are addressed, the questions are answered and a fair decision is made. The Mayor stated "a fair decision", because there has to be a lot of things taken into consideration. It is important that the residents be heard. They will do everything possible to make sure that every person in this City has an opportunity to voice their concern and ask their questions. At the conclusion, they will make a decision one way or another or at least in the best interest of the City. The Mayor stated that everyone is welcome to talk to the nine people that were in the caucus room as well as to Tara Quinn to verify if what the Mayor said was true. The Mayor again apologized for any misunderstanding, Mrs. Calabersa, it was not intended that way.

Chairman Lytkowski asked Mr. Berns to speak with regard to the project. Mr. Berns stated that over the last 60 days, they came to define the site plan for the proposed church. The reason that they did that was because a number of the residents had some concerns. The City Planner, Mr. Markley, expressed some concerns; there were also some safety concerns. There were also concerns about water and water detention. Mr. Berns stated that they addressed the concerns that were expressed. They switched the location of the church from the east side of the site to the west side of the site. Mr. Berns referred to the drawing showing the changes. There have been landscape mounds 4 to 5 feet high with pine trees on top of those creating mounds approximately 10 feet high. With regard to the adjoining residences, there will be a landscape buffer. They are proposing to put a soccer field on the west side and locating the buildings on the east side of the property. They have nothing else to suggest at this time. This is not the final site plan. They thought that it was important for people in the community to know what was being proposed.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

The Mayor stated that before they open the meeting up for questions, he would like to give City Planner Jeff Markley an opportunity to share with the audience some of the comments that were made in caucus. Mr. Markley stated that the Law Director, Don Elewski and himself and representatives of St. Maron's met back at the end of January to go through the plan. Due to circumstances, spring break being one thing, he was not able to make the last meeting. Therefore, this was postponed. Part of that was his fault. The most recent submittal, this revision, has five points that Mr. Markley wants to comment on, and why he is generally supportive of this plan versus the other plans. The reason why Mr. Markley prefers to have the church over on the west side rather than the east side is safety for both ingress and egress. Brookside Road, and this is a comment he heard at the last meeting, coming down the hill there were concerns about a major driveway coming in at the eastern location. Therefore, it seemed to Mr. Markley that given a central location of where the church is now, people are familiar with that as an entrance. It is also wider and more visible. It made sense to him to locate something that is going to have the most traffic in an area that is familiar and more visible. The soccer field driveway, which would be used more infrequently, would come in at the other location. Secondly, locating the church near the chapel and rectory provides for shared parking for both facilities. That is a benefit because it is less impervious coverage and less parking. Therefore, more ground water, the ability for rainwater to get in, less asphalt. Thirdly, a storm water detention facility is proposed to be located in the valley area which would take care of Stevens' (inaudible) problems as he understands from Don Elewski's office. That allows the plan to shift to the west and also to the south. Having a comprehensive storm water facility is better located over in this space. Not to mention, the soccer field, a grassy field, is on the eastern side which is the downstream area of the site. The soccer field could potentially be designed in such a way to also hold and retain storm water during the very major storms such as what was seen in June of last year. No one will play on the soccer field in that kind of a storm, it could be designed as a hold for the storm water as well. Then the water can be released slowly into the stream.

Lastly, consolidating those facilities on the western side allows for ease and access of the parish community. They have addressed a lot of the common area issues that deal with the residents and adjacent neighbors. But it's a case of putting this and consolidating the civilities, you are also creating a situation that makes it easier for the parishioners to use and to navigate through parking and that type of thing. So shared parking, closer proximity from the existing church and chapel and the social hall and church allow that ease of access. Those are the reasons that Mr. Markley generally supports this revision to the plan.

Chairman Lytkowski opened up the meeting to the audience. He wanted anyone who spoke to please stand, state their name and take it from there. The Chairman asked everyone to try not to repeat the arguments for or against the project.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Mary Calabersa of 8414 Brookside Road spoke. She wanted to express on behalf of most of the residents that it isn't an appreciated fact that the St. Maron's Church cancelled the Public Hearing in March and then showed up in caucus and presented an entirely new plan, a plan that was never presented to the rest of the residents. Mrs. Calabersa stated that the residents on Brookside still feel that the increased traffic on their two lane street is a major concern, not to mention the damage that will be done to the road during construction. Their sanitary sewers caused a majority of the flooding on Brookside last year. Some of the homes had 12-14" of raw sewage back-up into their basements. This would seem to suggest that they have a problem somewhere in the system, or maybe they aren't adequate enough either. They are concerned about what impact adding 500 to 1,000 people at their hall and another 50 to 75 people at their day care facility would have on their system. The sanitary that runs down Brookside currently handles the sanitary sewage from all of upper Brookside, from Sprague Road down to Rt. 21, all of Lake St. Charles, Eastview, Timber Ridge, San Fernando, Beverly, Serio, Scenicview, Timberlane, Ranchview, Midland, Oval, Dania, East Brookside all the way down to Bramley and including Bramley; over 425 homes.

Mrs. Calabersa's question tonight is if anyone from the Engineering Department looked into the impact that this will have on the City's sanitary system? City Engineer Elewski stated that the minimum sanitary sewer is 8". The minimum grade will take care of 350 homes. This sewer is like 12" to 15" in diameter. Mrs. Calabersa stated that she thinks it is 12". There are 425 homes on it currently, and then they will be adding the hall and the day care center. She asked the Engineer if he thought that would be sufficient, or if there should be an additional pumping system? City Engineer Elewski stated that there would be no problem. The City is looking into correcting some of the problems in the sanitary sewers as far as people tying their storm sewers into the sanitary and so forth. There is no problem as far as the sanitary sewer is concerned. Mrs. Calabersa wanted to know why they even had the problem with sanitary sewers backing up into their homes. City Engineer Elewski stated that first of all the June 22<sup>nd</sup> storm was probably the biggest storm he has ever seen since he has been with the City. The water came through the sanitary came through the storm, and not the sanitary. Someone asked how it got into the sanitary. The City Engineer said that was a good question. The Mayor said it was cross connections. The Engineer said that some people illegally tied their storm sewers into the sanitary sewers, or there are breaks in the sewer. That was what created the problem. The Engineer said that it was bigger than a 100 year storm. Mr. Markley stated that also part of that was the Phase II Clean Water Act; the program that the City has been undertaking for the last four or five years has been to identify all the breaks in the system. All of those leaks into the sanitary line as well. They have to eliminate the illicit discharges, and that is part of the whole process in Phase II.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Mrs. Calabersa still wants someone to look into what impact this would have on the sewers. She was told from Cuyahoga County Sanitary office that adding all those activities to that property would be the equivalent of adding 40 homes. The Engineer said that 40 homes is nothing. Mrs. Calabersa stated that the only reason they have a 12" pipe is because they are as close as they are to the interceptor which is maybe  $\frac{3}{4}$  of a mile or a mile at tops. (Inaudible) Obviously, the pipe has to be much bigger. It is possible to go to Pleasant Valley which goes from Bramley. She believes at that point it becomes an 18" and becomes almost a 30" pipe before it goes to the interceptor. That is kind of a logical expansion of the pipe, because it is getting closer to the interceptor. Mrs. Calabersa stated that the gentleman at the last public hearing stated that he felt it was sufficient. She wanted to know if the City was just going to take somebody's word that it is in fact sufficient. The City Engineer stated that it is sufficient. Mrs. Calabersa stated that it remains to be seen. Vice Mayor Kurtz stated that in all fairness to Mary, there ought to be a report before they approve it that demonstrates the condition of the sanitary sewer. They have had problems all the way down at the bottom. He thinks in all fairness, they ought to make sure to get a clean bill of health, and if there is some on site retention needed for sanitary sewer for this development, that it be incorporated in the project. The Engineer stated that they don't put retention in for sanitary. The Vice Mayor stated that if they have to do something to retain it on site, just like a hold tank. The Vice Mayor wants the Engineer to demonstrate that the sanitary sewer has a clean bill of health.

Mrs. Calabersa continued that the storm sewers are practically non-existent and probably date back to the WPA and also inadequate. It's been nearly a year since the flood and nothing has been done to alleviate the problem, much less fix some of the damage or appropriate funds for that. Several months ago the City hired Hydrosphere to study the flooding problem on Brookside, and they're still waiting for their response. The City also hired them to make a recommendation before they approved a development of 12 homes on East Ash Road. Her question was if the City was going to wait for a recommendation from Hydrosphere before making a decision on this project. If so, when can they expect that recommendation, and if not, why not?

City Engineer Elewski stated that they have met with Hydrosphere. They have looked at this problem and talked to all of the people on Brookside. They are determining where these bad connections are. By law, the bad connections have to be corrected. Chairman Lytkowski asked what the timing was to have that corrected. Is there a time frame to identify the problems. The Engineer stated that all the drainage that comes into the system from all the different streets in the City could have some type of a problem. They all have to be looked at. Everyone began talking at once. Mrs. Calabersa wanted to know if they are going to wait for that representative

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

before this gets approved. Obviously, we are talking about 12 homes over on East Ash, and she is not aware of any flooding problems over on East Ash. They have severe major flooding problems on Brookside. She wants to make sure they don't approve something before they have all these questions answered to everyone's satisfaction.

The Mayor stated that people on West Ash, if you would bring them in, would testify or will say that they have some severe water drainage problems in their back yard. What happens is as part of the project, the Mayor asked Hydrosphere to take a look at it because they are specialists in water drainage and things like that. Any type of development, he doesn't want to make a bad matter worse. So consequently, the Mayor did ask them to look into it and make some recommendations. The Mayor also asked Hydrosphere to be involved in this project as well. As a matter of fact, one of things, the Mayor thinks the church was going to hire Hydrosphere to assist them. However, Hydrosphere indicated to them that they were working for the City in this regarding, and they were looking at it and would be making some recommendations. The Mayor did meet with Hydrosphere about the general Brookside area. They did make several recommendations and different options that will be shared with Council to make a decision as far as what options the City will take. Part of the problem, and the Mayor is not saying this is the only problem, is that there are many cross connections. It is no fault of anybody. These cross connections are where the storm water is going into the sanitary sewer. The Mayor's first direction to Hydrosphere was to make sure that no home has any sanitary back up, because you are talking about health. That is the most important thing. They have been concentrating in that regard. The Mayor stated that they will have Hydrosphere look at it. Mrs. Calabersa asked if the recommendation will be looked at before approval of the project. The Mayor stated "yes".

Vice Mayor Kurtz stated that he thinks what Mrs. Calabersa is looking for is making sure the City has a Master Plan for storm water management in place before they do the approval process. Mrs. Calabersa stated that she doesn't think anyone wants to re-live the June flood of last year, especially everyone who suffered with the sanitary sewers. She stated that it was not fun. The Vice Mayor stated that he has received calls from people, and there are two flooding issues with respect to this property; the on site issue and the impact of the flood water on those properties. Then as you go due east from the property; the impact on the houses both on Brookside and down to lower Brookside. That Master Plan has to incorporate all of those areas.

Mrs. Calabersa stated that their water lines are as pathetic as their storm sewers. They have had a least 9 separate water lines breaks in the last two months – two of them right in front of Marycrest property. This is not a new problem, but one that's existed for many years. While our business areas are considered first class, many of our residential areas are becoming second

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

class. Despite our efforts to keep our neighborhoods well maintained, the reality is our infrastructure is dilapidated and crumbling down around us, and nobody seems to care. And this project will only burden it even more. The question that they would like answered is – if this is approved and the flooding, water and sewage problems escalate, who do they hold responsible – the City for approving this, or St. Maron's for demanding it.

Law Director O'Brien stated that he appreciated her broad sweeping comments about the infrastructure, but the City spends millions of dollars on not only its improvement to the infrastructure on Rockside Road that brings tax dollars for these valuable services, but his office along with Don's office is involved with millions of dollars that the City invests in its infrastructure for its residential area. He stated that although he has talked to Mrs. Calabersa over the years many times, and she is a very knowledgeable person, these general comments he gets frustrated with. The issue of if someone creates a nuisance, generally speaking, the person who creates the nuisance will be held liable. The City, through its Engineer, will have to design the infrastructure and the developer, if the developer gets approval, he will have to build an infrastructure pursuant to whatever is required. The Law Director stated that he agrees that the City should have a report on file as to the sanitary sewer, and as the Mayor indicated; a report from Hydrosphere. Those are two legal issues that they should probably cross that "t" before any type of review by the Planning Commission as to approval or denial.

Mrs. Calabersa stated that while they are on the subject of legal matters, there are a few points she would like to make, and comments that other residents have shared with her. She would like to share these with the Commission. First of all, this country is based on people's rights, and they all believe in St. Maron's right to freedom of religion. However, they feel that there's something inherently wrong with this law, or any law for that matter, that in granting one group of individuals their rights, they infringe upon the rights of another group. And they feel that's exactly what's happening here. Granting St. Maron's right to freedom of religion denies them their right to enjoy the peaceful, quiet, serene quality of their residential neighborhood. Ironically, not by practicing their religion, but because of the businesses they intend to run on the premises, which under any other circumstances would not be permitted in a residential area.

There are lots of laws on the books and laws are meant to be challenged. If they weren't they certainly wouldn't need lawyers. Mr. Berns suggested that the scales of justice tip heavily in favor of religion when weighed against safety issues. However, the cases he referred to involved traffic issues. They believe the health, safety and welfare issues mentioned before, regarding flooding, raw sewage and contaminated water, go way beyond mere traffic issues.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

The laws aren't perfect, and the courts don't always make the right decisions. As an example, the U.S. Supreme Court recently handed down a controversial decision regarding eminent domain. However, in the court of public opinion, that decision was highly criticized by an overwhelming 95% of the people. As a result of the public outrage, almost every State is now passing laws to end the abuse of eminent domain. In St. Maron's case, even if the courts decided in their favor, in the court of public opinion, they will lose, because they've disregarded our concerns and our rights and forced their way into the community. No one likes to be threatened. Most of us were taught to stand up for our rights, and we can only hope that our City officials were taught the same thing. Otherwise, this will only be the beginning. Every time they don't like a restriction or have a difference of opinion, the City will get another 9 page letter from Mr. Berns threatening legal action. They certainly hope that you will seriously consider all of this before making your final decision. Thank you.

Chairman Lytkowski wanted a copy of Mrs. Calabersa's statement for the record. It was attached as Exhibit "A". The Chairman gave Mrs. Calabersa a letter that the Commission received to be read.

Mrs. Calabersa stated that the letter was from Mr. & Mrs. Stanovich of 7824 Brookside Road and is attached as part of the record as Exhibit "B"

Erol Somer of 8112 Brookside Road spoke. He lives one house past the eastern border of the property. He has a concern about the current revision. On the last revision, he was pleased to see that the steepest part of the grade on the eastern border was a retention pond that could capture most of the water, hopefully a lot of the water. He has been struggling with water run off from this section. He has provided the Mayor with video tape. It has gotten worse every year, especially since that June flood. He understands having more retention ponds where they are located. He does not understand removing that one. He thought that one was a great idea. If it is not there, he would hope that maybe a culvert directing water to the storm sewer or creek or something along the eastern border. That is the downhill side, and it is the steepest side. Having a tennis court and parking lot would only increase the amount of that steep edge there. He did hear something about a soccer field as being helpful, but he does not know if that would be sufficient. Mr. Markley stated that he cannot talk in specifics, but when you look at the previous plan and all the parking and the roof tops and the facilities over on that side, it just stands to reason that removing that and putting that on the uphill side and being able to contain water on the downhill side. That is why he proposed the soccer field. It has not been formalized by any group. It is merely a concept. Mr. Markley stated that the hardscape of the parking and tennis courts; it would have to be something that would have to be considered. In fact, that was one of

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

his comments on the plan when that was submitted was perhaps those should be relocated away from the hillside because obviously stabilization of the slope is what is important. Mr. Markley stated that the public hearing is to facilitate the residents' concerns and comments and bring them back and they can shape that up through the planning process, if it gets to Planning Commission.

Vice Mayor Kurtz asked if there was any reason why they can't reintroduce that into that area – storm water detention. Mr. Markley replied "no".

Mrs. Calabersa stated that (inaudible) said it was going to go out to the street. Mr. Markley said absolutely. Also, if you look at this plan, most of the water is contained up on the west side, and then it works it way back down. That is part of the process too, getting it back in the ground as they can.

Larry Lansky of 7524 Brookside Road spoke. He is glad that Mr. Markley is concerned about the ease and access for the parishioners and so forth and the traffic. This proposal here affects the largest number of homes directly adjacent to that property. There are approximately 11 of them. Every single one of them has a natural grade towards the back. That is when the homes were built. If they put up a big parking lot for almost 200 cars, and these big buffer zones; where does all that water that will be running off those properties go? It will start to back up and be in people's yards. It has to go someplace. It is not going to go to Route 21. City Engineer Elewski stated that when they do the final check on the plan, there will be enough storm water retention and storm sewers to take that water. Mr. Lansky stated that he does not think retention ponds are the resolution for the water problems that the City has. They have about three or four on the property. One of them is huge, and it is right behind some of these people's homes. Who will maintain them? If you don't maintain them, they plug up, fill up with debris, plants, and become insect producing things. Then the water just keeps piling up. Who will maintain the buffer things? As soon as they find out how expensive it is to maintain them every year; that will be the end of it. They will have mounds of dirt with weeds, half dead trees and so on. That is very expensive to take care of those mounds. He stated that he is not going to go out and try to weed and take care of those mounds. It does not belong here. This is residential property. It has been this way for 60 years, why can't it be left that way?

Sal Sciuva of 8224 Brookside Road spoke. If you ask all of these people – no one wants it. That is the bottom line. They are just trying to do whatever they can not to have it. Just stick to the plan. Let it go back to how it was – a couple of nice houses however it was going to go. The church is too much.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Ed Johnson of 7304 Brookside Road spoke. He has seen Mr. Elewski's engineering in action in his back yard. He doesn't think he knows what he is doing and (inaudible). He doesn't think that this water balloon that they are filling up right across from them will hold that much water. The Chairman stated that he would like the comments to be kept not to be critical.

Rosie Mewhinney of 7404 Dania Drive spoke. It has always been her hope that what is built on that property will retain as much green space as possible. That is what she has said all along. She kept an open mind to the church when it was to be a gathering place and would have less buildings than there are now. In looking at the building plans that are there now, they have accomplished to use every inch of green space there is on her side of the property. She is absolutely not in favor of this plan. There will be nothing but massive buildings and concrete parking lots. In measuring the structures from their property, they are less than 100 feet away. This is way too massive and way too close to all of their homes for any of them to support it. She has children who play in her back yard every day. They tell their kids to play in the back yard because it is safer. If this structure is going to be built in the field as they all call it, her back yard will be more hazardous than her front yard. Has anyone driven down Pleasant Valley lately? The church on the corner has made such a mess out of their property, that it is nothing but dirt piles and buildings. It sure would be a shame to have that in their back yard. They will be destined to live with this for all of their lives. She for one hopes that the Commission will be very diligent in this decision and think about what you would want in your back yard.

Gus Katsas of 7612 Brookside Road spoke. He has lived there for about six years now. He is directly impacted by this shift from the facility to the parking over to the west end of the property. He can't see that now that it has been shifted over to his neck of the woods; that is not what he moved there for. There were a lot of neighborhoods he could have gone to like by the airport or something where he would have gotten the same amount of quiet. A friend of his lives behind the church that opened up on Wallings Road; like him, he bought before he knew that was going in there. Mr. Katsas asked him how it was working out, and he said aside from all the car doors opening and closing every Sunday morning for a few hours, it is not bad. That is where Mr. Katsas would be. Mr. Katsas wanted to take a quick minute to read part of a definition of a U-3 Special Permit specifically with the consent of Council such location will substantially serve the public convenience and welfare and will not substantially and permanently injure the appropriate use of neighboring property. Mr. Katsas is here to tell the Commission that it will not help him, it will injure him, it will kill his quality of life.

Bill Gautner of 7700 Brookside Road spoke. Six or seven months ago at a meeting they were told that this social hall of St. Maron's would have minimal impact on their property. At that

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

time they were proposing a parking lot of 100 to 125 spaces and a social activity hall. Now the proposed parking lot has over 200 proposed parking spaces. Also, they were told there would be activity going on Saturday afternoons, Saturday evenings and Sundays. He feels that if this whole proposal goes through, that St. Maron's will be spending upwards of \$10,000,000 for land acquisition, demolition of existing buildings and construction of the social hall and church and parking lots. Anyone that spends that much money is going to want to get as much use of that land as they can. It won't be just Saturday evenings and Sundays. This is going to be a 7 day a week operation. The increase in traffic is going to be substantial.

Mrs. Frances Burant of 8321 Brookside Road spoke. She understands that as a social hall alcohol will be served, is that correct? Father Karam stated that beer and wine will be served. Mrs. Burant wanted to know where in their hearts do they find it appropriate to have a bar in someone's back yard. She thoroughly objects to this situation. They put up with a lot of things at Marycrest that were not appropriate; however, there was not drinking, there was not an open bar. Mrs. Burant asked the Law Director that if you are in a bar and you become inebriated, the bartender has the right to put you out, is that correct? Are they responsible? Law Director O'Brien stated that under the Dramshaft, they are certainly responsible for serving them. Mrs. Burant asked that in this private facility, social hall, who is responsible for ejecting the drunk people? The Law Director stated that it would be the owner of the property, the church. Mrs. Burant asked if there was then an accident, is insurance responsible? Law Director O'Brien replied "yes".

Dave Lansky, his father lives at 7524 Brookside Road, spoke. He asked what the property was zoned as right now? The Law Director stated that it is residential. Mr. Lansky asked if a church is classified as residential? The Law Director said "no, they are not asking to re-zone it, they are asking for a Special U-3 Permit". Mr. Lansky stated that he had no problem with the people sitting here; that does not belong there. It has to go. There are other parts of this City that has property for this. How many churches are in the City now? There are five. He asked how many churches were off of main roads - none. Why would anyone want to plop another church surrounded by homes? There is plenty of space on Rockside. There is plenty of space on 21. He has no problem with their religion or whatever they want to do. He has nothing against them. This belongs somewhere else.

Mr. Mark Chaney of 7360 Dania spoke. A couple of years ago he was turned down for a utility shed because it would be unsightly. Now he can look out his window and see a parking lot. He would like the same consideration that he got.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Mr. Stanovich of 7824 Brookside Road spoke. He stated that retention ponds when they are first built, they probably are made to engineer properly to hold and retain water. Over the years when the silt develops and they start to fail, the two retention ponds, especially by the parking lot, could be devastating to the people downstream when they overflow. His question is if the City has ordinances, building codes or inspections in place to inspect the maintenance of the detention ponds? The Law Director stated "yes". Also, in the past supplemented with residential districts require those provisions in the Homeowners Association. He would certainly expect something to this effect having those requirements if this was to go forward. Mr. Stanovich asked who from the City would inspect the ponds. The Law Director stated that it would either be the Building Department or the City Engineer. He is not too sure how they work that out.

Mr. Larry Lansky of Brookside spoke. He stated that when Mr. Chaney stated that he was turned down for a utility shed, if you look at those gray garages that are on the property. He told the City two years ago to complain about them to the Building Department. They were going to send someone out to check on them. They are still there. The roofs are falling in. They smell. The sides are all full of moss. The doors are open, and they are full of black mold. Nothing has ever been done with that. That goes to show you how the City follows up on some of those things that people complain about.

Donna Johnson of 7304 Brookside Road spoke. She stated that what bothers her is that every meeting she comes to is that if her house was in as bad of shape as Marycrest is, the City would force her to do something about it. Yet because this is a religious building, the City feels sorry for the sisters. Make them take care of this property; make them knock the garages down. She does not understand why this facility has been permitted to become dilapidated. The City would not let someone's house be like this. They have to look at it. Nobody addresses it. Chairman Lytkowski asked the Law Director why the City wouldn't try to enforce this. The Law Director stated that there are nuisance ordinances on the books. The Building Department is certainly aware of them. They would have to ask Carl what he has done over the years with them. The Law Director does not know if they meet the legal definition of nuisance. He is hearing about some of these issues for the first time. There are safety and health issues. Certainly, it should be explored. He is not aware of the conditions of the property. He can check with the Building Department. Mayor Ramos stated that he knows that some of the buildings, as far as the garage is concerned, he is sure it can be taken care. The other buildings he is sure have asbestos questions, which they certainly need to deal with. That is very, very expensive. The Mayor will look into this. Mr. Lansky asked if this was abandoned property. Nobody has lived on that property. The Law Director stated that the property is abandoned. He has already made that overture to Mr. Berns. The Mayor stated that the property reverts back to U-1; and consequently if they want to use it for any other purpose, they have to petition Council.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Bill Gautner stated that there is a hole in the roof of the garages approximately 10' x 20'. Then there are a couple of other small holes. He knows that quite a few people have called City Hall with regard to this, but nothing is ever done.

Louie Colantuono of 8703 Brookside Road spoke. He stated "you people don't know nothing". They have water problems, and nobody does nothing about them. They have sewer problems, and nobody does nothing about them. He wanted to know why these issues weren't taken care of. Why doesn't anybody look out for them? They make the Commission's paychecks. They pay taxes. They should be represented a little bit better than they do. Brookside is a dilapidated place. They try to put money in their properties. Their livelihood is in their properties. Nobody wants to do nothing about it. Nine water breaks, and nobody does nothing about it. He is constantly replacing hot water tanks because of all the rust going into the house. Nobody cares about them. Mayor Ramos asked Mr. Colantuono who he thinks is responsible for the water line in front of his house. Mr. Colantuono stated that it was the Water Department. He wants the City to do something and get on these people. Nobody seems to care. They are at the City's mercy all the time about something. It is a wonderful City, but it seems like nobody backs nobody around this City. Law Director O'Brien stated that it is the Water Department's responsibility to fix the lines. Because they take so much time, and they don't even come after that, the City has gone and fixed them in the recent years. The Water Department owes the City tens of thousands of dollars which they are trying to get back because they didn't want to wait around. Mr. Colantuono stated that the landscaping is dug up. There are holes. They resurfaced the street three years ago, and it looks like it is ancient from holes. It seems like nobody takes care of them on Brookside. He has been in the City for 35 years. He tries to do the best that he can and keep up his property, and it seems like he isn't going nowhere. Mayor Ramos asked Mr. Colantuono to tell him who said that the City is not aware of the problems. The Mayor wanted an example of what the City is not aware of. Mr. Colantuono stated that there is storm water going into the sanitary. Why wasn't this issue taken up? Why weren't the homeowners taken care of. They were the ones with sewage down their basements. The City Engineer stated that they were taking care of it. Mr. Colantuono stated that there is a fault somewhere. When is it going to be done? Chairman Lytkowski stated that if they didn't care, they wouldn't be here.

Mary Calabersa wanted to make one last comment. She was accused of making broad, over generalizations, and they are not. Every time she talks to the Engineering Department about when something is going to be done with the road, the sewers, when is that whole area going to be re-engineered. She is told that they will get to it. She has been in the City for 37 years, and they have been telling her that for the last 30 some years. It is not a broad over generalization. She thinks that 9 waterline breaks, and it is not just the waterline breaks, it is the landscape that

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

has to be re-done at their expense. Nobody is taking care of the problems. She stated that they feel like orphans down there. Nothing exists beyond Pleasant Valley Road. They have to fend for themselves. When the flood happened, she has to compliment the City on their fine work. Mayor Ramos stated that with regard to the flood, he was with her. She knows that. His Service Department was down there. Mrs. Calabersa stated that she was going to compliment him and the Service Department for coming down there and helping the residents take the trash and stuff. They got no help as far as (inaudible). If it wasn't for FEMA stepping in and offering them a few poultry dollars to reimburse them to clean up the sewage in their basement; they have gotten absolutely nothing. Most of them did not have insurance that covered their losses. The Mayor stated that he remembers seeing Les Rutkowski in DeMarco's basement cleaning out his basement. Mrs. Calabersa stated that she asked for the dumpster, and she didn't get it – he did. She doesn't have a problem with that. Mrs. Calabersa stated that because of all the problems they do have, she would like to see a moratorium with regard to anything being done on Brookside Road until they get some of these situations resolved.

Kate Feeman who was at the meeting with her father, George Naymik, who lives at 7216 Brookside Road spoke. He has many concerns. Her question is what is the asking price for the property? She would also like to know if it has been sold or is it up in the air? Her third question is since the Law Director has declared the property abandoned, who is responsible for paying to clean up the gray garages, mold in the building? Is it the seller or the buyer or the taxpayers? Law Director O'Brien stated that he has not seen the legal document that the applicant has signed, or he hasn't reviewed it in awhile. He didn't look at it for the provision of who is responsible for the immediate clean up before they take ownership. Without the property transferring, he would be very surprised if the applicant has assumed the responsibility to clean it up. Certainly, once the property transfers to the applicant, the applicant will have that responsibility. He will be fairly confident to say that it is still in the hands of the sisters as far as clean up. Certainly, if the City declares a nuisance, according to their ordinances, they can go in and clean up and then access the property. The Law Director does not know if the property has transferred. That would not really be something that they would be too concerned about at this juncture. The only thing from a legal aspect is that they had legal rights to become an owner. That document has been provided to the Law Department. As far as the sale price, Mr. Markley thought it was around \$3,000,000. The Law Director stated that the applicant does have a right to purchase, but he doesn't know if they have exercised that right. He would be very surprised that they exercised their option prior to this process. Mrs. Feeman asked if they have the right to purchase and they do purchase, then where does the Planning Committee and community come into play as to what happens there once it is purchased? The Law Director stated that it is of no

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

relevance if they purchase or they don't purchase. What the Planning Commission has to do and eventually Council has to do is to rule on their application. It doesn't matter from a legal standpoint who owns it today or next week, it is the applicant's request to the City as to the U-3. So if she is asking if the situation changes as the applicant becomes the owner of it, from a legal aspect, his answer would be no. Mrs. Feeman asked if any owner could do anything once it is purchased. The Law Director said "sure", within the framework. Any owner can make a decision on their own property within the framework of the Codified Ordinances, State law and Federal law.

The Chairman asked the Board if they had any comments. Mr. Narduzzi asked the Law Director at what point is a right to worship cut off? If it can't be answered, he doesn't have to. Law Director stated that he would like to tell as much as he feels comfortable in a public setting. He thinks they understand that lawyers have responsibility to the City, and if the applicant is denied, the applicant may sue; and he certainly does not want to put in the record certain legal theories. He will say that it is clear to him that RLUIPA definitely falls squarely on the church. The church definitely falls squarely in the Federal law that Mr. Berns has cited. It gets gray as to the social aspect. He will say that he feels comfortable in saying in public that certain activities that are associating with the worshipping of a religion probably fall in the Federal law governing what Mr. Berns has cited. To have something that may not be squarely in worship, he would say that he would have an issue with the day care center. He needs to explore the day care center.

The Law Director stated that everyone who provided good comments, from a legal aspect, this Public Hearing has taken a life on its own with this property. The City does a really good job with the Public Hearing; but everyone needs to come back when this opens up as an application, it needs to be put into the record the comments from a legal aspect. What is provided so far has been Public Hearing comments that there is some case law out there that suggests the Commission needs to make sure that there actual basis for approval or denial on what's in the record. He wants to make sure that all of this is in the record to clear up any type of gray area, he would ask that everyone come back and present that at some point when this comes on for an application. He hopes that he has made that clear. Someone asked when that will be. The Law Director stated that when the Board closes the Public Hearing, the applicant will be able to present their application. It is just because this is a U-3, and the City Charter and code states that you have to have a Public Hearing. That is the purpose of the Public Hearing, to find out what the residents in the area, what their grievances are so that during the planning process when it comes before during the application process, then that is when the planning actually starts.

Mr. Narduzzi stated to Mr. Colantuono that he is not here for the money.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Mr. Shallcross stated that he guesses his feeling is that before anything would get approved obviously the storm water problems and the other issues with how the building sits on the footprint or the land, try to minimize the space between any residents and the facility need to be addressed as best they can. He does not think right now that they are there. Mr. Shallcross stated that if this is approved, the thing you can't change is the traffic that will be on Brookside. He thinks the storm water problems can be fixed. He would hope that they can. He would hope that the residents that live right around the facility would have less of an impact on their back yards. He does not know how you can deal with the traffic. He is sure that they will talk more about this though.

Vice Mayor Kurtz stated that while they have to respect the church's rights, he thinks that there are concerns that have been voiced both this evening and at previous Public Hearings as to the ancillary uses of the property. That needs to be outlined more specifically as this procedure takes place. There is a procedure that they have to follow. This is part of the procedure. This is part of the process. It is the legal form they have to follow. He has heard a number of concerns, flooding on the east side, flooding as it relates to Brookside. They have to address the issues such as green space. They have to address the issues such as potential future use of the property, future subdivision. They have to address the issues such as architecture. They have to design the buildings. They have to make sure that before any action is taken, in terms of construction, that all destruction takes place in terms of razing the existing facilities. They need to address traffic issues and Brookside Road as it relates to damage, potential violence. With regard to the water line, normally what the City does is that it replaces the pavement, they put in a brand new pavement with storm sewers, and they usually put in a new water line and gas line as well. That has been as long as back when he was Mayor. It is still a work in process. Sanitary sewer – whether the City likes it or not, they have a sanitary sewer system that is approaching 40 years old; that system needs to be monitored and maintained on a more regular basis. It is going to take millions of dollars to do that and do it right. It is something that they have an obligation to do as part as the City's infrastructure maintenance program. So, with regard to the sanitary sewer, the condition and long term maintenance plan has to be addressed as part of this process. Storm sewer – they have Hydrosphere and they have other people, and the City Engineer looking at the various concerns and issues that cross ties the storm sewers issues as it relates to Brookside. They need to have that Master Plan for the storm sewer issues addressed in the form of a Master Plan. There are a number of issues. He has outlined the basic framework as he sees it that need to be addressed. He says this publicly so the applicant, the church, is aware of these issues and know that they have to address these issues as part of their due diligence as part of the process.

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

Mayor Ramos stated that being Polish and being Catholic, they always feel guilty and saying things and doing things. He must apologize to Mary and Lou for getting into discussion with them; but we are all passionate people. That is kind of exciting sometimes. It is hard to get passion in people's lives today; everyone kind of goes along with it. The most common theme is that we all care about the City and love the City, and we all consider the City our home. This is where our family and friends are. Consequently, we are passionate about that. This application was made by the church. You have to understand that they have a right to a hearing. That is what this Public Hearing is about. To get the residents' input, to get the residents' thoughts, to get the residents' concerns and things like that. He is glad to hear all of those things. He is glad to hear about some of the concerns. They are going to try to address some of those concerns. There were several things mentioned about sanitary and storm sewers and things like that. Whether people believe it or not, the June of 2006 storm was a terrible storm. Over 300 homes got flooded. What concerned the Mayor the most at that time was the sanitary sewage that several people did have. He indicated that this was a priority. It was a priority because it had to do with health. That was not water, it was unsanitary and that could affect everyone's health. The City brought on Hydrosphere because they needed to come up with a comprehensive plan. You just can't put a bandaid on it anymore. As the Vice Mayor stated, even though, and many of the residents were here when the City put in the sanitary sewer system, that was 40 years ago. Just like the water system is old in the City of Cleveland, and they are having problems with trying to replace water lines and everything else like that. They have the same issues as far as sanitary sewers. They need to upgrade that and address that. Unfortunately, over the past several years, they have been finding that there have been a lot of cross connections. Even though it doesn't sound like a serious problem; what happens is that when there is a very bad storm that water instead of going into the storm sewers, ends up going into the sanitary sewers. The sanitary sewer then backs up into the homes. They need to address that. They have started doing this. They cannot do the whole City in one week because what they have done in Dalebrook has a serious problem. There are 160 homes there. The City wrote letters to all 160 homes and said they will do a test of their system to identify the cross connections. The problem is then if there is a cross connection, how do you repair it? Whose responsibility is it? It needs to be corrected because right now there is a lot of storm water that is getting into the sanitary sewers. That has to be addressed. The Mayor does agree that it entails a comprehensive plan. The comprehensive plan will take time and a lot of money. They brought on Hydrosphere, and one of the first areas that have been identified is the Brookside area. They have identified the Kingscote area as well. Pleasant Valley area has also been identified. The Mayor saw a shed that was floating down the street. The only thing that stopped it was a house. These things need to be addressed. The City needs to systematically come up with a comprehensive plan and address these issues one by one. Unfortunately, the most serious issues first. Brookside is the number

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

one issue. That area needs to be dealt with first. Does that mean the rest of the City is upset with the Mayor. "Yes". They need to address the most serious areas first, and that is the battle plan the City hopes to accomplish. The Mayor does appreciate all of the comments tonight, and he appreciates the passion. It is important to get the residents' input on this thing. It is important to hear the concerns. Mayor Ramos stated that if the residents have anything else to say, please let the Commission know. They are going to hopefully address some of the concerns. Thank you for coming out here today – sorry Lou and sorry Mary.

Chairman Lytkowski stated that, for the record, the applicant has been here since September 5, 2006 – eight months. The Chairman would like to entertain a motion to close the Public Hearing. Keep in mind that no action will be taken this evening. This matter will now be put on the regular Agenda for next month. At that point, the residents' comments will be introduced into the Minutes, and then the Commission will decide what to do.

Vice Mayor Kurtz stated that if the applicant is prepared to resolve the issues and address them, then be on the Agenda; however, if the applicant is ready, at least a week before deliver the product that they want the City to consider to the City and then the City will send that to the people on Brookside/Dania area so that these people have a chance to review it. The Vice Mayor then suggested that everyone prepare their questions so that this can be talked about with some continuity other than disconnected dialogue. Chairman Lytkowski asked Mr. Berns if this was okay with him. Mr. Berns stated that they have been working with the City Planner to try and get a plan with which everyone can be pleased with. Mr. Berns does not think they can please everyone, but the point is that the planning process ordinarily would not be part of this kind of proceeding; with regard to flooding and this kind of thing. Mr. Berns has an engineer and the City has an engineer and will come up with a plan that will take care of normal flooding. Mr. Berns stated that he wants to make it absolutely clear, that when you have rain like a few weeks ago, it doesn't matter if you have roof tops and everything else because the ground gets saturated. Mr. Berns stated that there will be a new sanitary sewer facility going up the road. There will not be any surcharging of storm water into the sanitary. They cannot cure the rest of the problems of the City. They are not going to add to them. People have to understand that when it rains and water gets into the sanitary sewer; that is when they have problems. People don't run their toilets or use more water during a rainstorm than they ordinarily do. It is because of the cross connections. They are not going to have any so they are not going to cause those problems. They must ask that the problems the City has, they are going to try to solve their problems and not cause any. If the notion is that we have to wait until the City solves all the City's problems before they act on this, they must strongly object to that. He does not think that is what was intended; but there were some statements made regarding taking care of all of these

**MINUTES OF A CONTINUATION OF A PUBLIC HEARING HELD BEFORE THE PLANNING COMMISSION OF THE CITY OF INDEPENDENCE, OHIO, TO CONSIDER THE REQUEST BY ST. MARON'S CHURCH FOR APPROVAL OF A SPECIAL U-3 PERMIT TO OPERATE A CHURCH AND COMMUNITY CENTER ON THE PROPERTY LOCATED AT 7800 BROOKSIDE ROAD.**

problems. Anything that they have to present to the City, they will present in adequate time to have it before the meeting so that it can be reviewed. They will continue to work with the City toward the goals (inaudible). Chairman Lytkowski stated that he wants to echo the Vice Mayor's comments to have the information given ahead of time so that this can be passed on to the residents.

Mr. Narduzzi asked if the plan is changed drastically by moving buildings or moving anything else, does this get re-opened to a public hearing? The Chairman said "no".

**A motion was made by Jack Shallcross, seconded by Tom Narduzzi, to close the Public Hearing at 7:40 p.m. on this matter and put this matter on the regular Planning Commission Agenda of June 5, 2007.**

**ROLL CALL: Yeas: Shallcross, Narduzzi, Kurtz, Lytkowski, Ramos  
Nays: None  
MOTION CARRIED**

---

**Dale Lytkowski, Chairman**

---

**Debi Beal, Secretary**

Minutes Unapproved at Time of Release 5/7/07

ST. MARON'S PUBLIC HEARING - MAY 1, 2007

- ◆ The residents on Brookside still feel that the increased traffic on our two lane street is a major concern, not to mention the damage that will be done to the road during construction.
- ◆ Our sanitary sewers caused a majority of the flooding on Brookside last year. Some of the homes had 12-14" of raw sewage back-up into their basements. This would seem to suggest that we have a problem somewhere in the system, or maybe they aren't adequate enough. We're concerned about what impact adding 500-1,000 people at their hall and another 50-75 people at their day care facility would have on our system. The sanitary line that runs down Brookside currently handles the sanitary sewage from:
  - ❖ All of upper Brookside - from Sprague Rd to Rt. 21 (135); Lake St. Charles (26)
  - ❖ Eastview (43); Timber Ridge (10); San Fernando (13); Beverly (12); Scrio (11)
  - ❖ Scenicview (10); Timberlane (28); Ranchview (19); Midland (4); Oval (12)
  - ❖ Danix (11); East Brookside (67); Bramley (22) - Roughly 425 homes

**Q: Has anyone from our Engineering Department looked into the impact this will have on our sanitary system?**

- ❖ The hall would be the equivalent of adding almost 40 homes
  - >> 500 Seats x 5 Gal x 6 Hours = 15,000 Gallons/400 = 37.5 Homes
  - >> 1,000 Seats x 2 Gal x 8 Hours = 16,000 Gallons/400 = 40 Homes
- ◆ Our storm sewers which are practically non-existent and probably date back to the WPA are also inadequate. It's been nearly a year since the flood and nothing has been done to alleviate the problem, much less fix some of the damage or appropriate funds. Several months ago the City hired HydroSphere to study the flooding problem on Brookside Rd. and we're still waiting for their response. The City also hired them to make a recommendation before they approved a development (Indexco) of 12 homes on East Ash Road.

**Q: Is the City going to wait for a recommendation from HydroSphere before making a decision on this project? If so, when can we expect their recommendation. If not, why not?**

- ◆ Our water lines are as pathetic as our storm sewers. We've had at least 9 separate water line breaks in the last two months - two of them right in front of Marycrest! This is not a new problem, but one that's existed for many years.
- ◆ While our business areas are considered first class, many of our residential areas are becoming second class. Despite our efforts to keep our neighborhoods well maintained, the reality is our infrastructure is dilapidated and crumbling down around us, and nobody seems to care. And this project will only burden it even more! The question we'd all like answered is - **If this is approved, and the flooding, water and sewage problems escalate, who do we hold responsible - the City for approving it, or St. Maron's for demanding it.**

Exhibit "A"