

MEMBERS PRESENT: Mayor Katie Gallagher, Chairman
Kathy Pucci, Council Representative
Ray Porterfield
Jim Oper

ABSENT: Joe Polidori

ALSO PRESENT: Dave Kulcsar, Building Commissioner
ALSO PRESENT: Barbara Stanton, Secretary

Mayor Gallagher: Called the Brooklyn Planning Commission meeting to order. Clerk, call the roll: Mayor Gallagher, "here", Kathy Pucci, "here", Ray Porterfield, "here", Jim Oper, "here". Absent: Joe Polidori.

A motion to approve the minutes of April 7, 2016 was made by Kathy Pucci, second by Jim Oper. **Vote Resulted: Yes –** Mayor Gallagher, Kathy Pucci, Ray Porterfield, Jim Oper.

Mayor Gallagher: A request from 4476 Ridge Road Holdings, LLC dba Loving Cup Kids Academy for Site Plan and Design approval to construct a new addition to the existing location at 4476 Ridge Road for the loving Cup Kids Academy Child Care Facility P.P. #432-23-018. The Planning Commission granted the request on December 5, 2013 which has expired. Commissioner Kulcsar: This request is an addition to the rear of the building and it extends to the south side of the building as well. Materials are designed to match and conform to the existing building. There were variances that were granted by the Board of Zoning Appeals and the approvals will stand. There have been no changes to the plans from the original submittal. The Building Department has no objections to the request. Eli Mahler Associate Representative and Architect of Loving Cup Kids academy was present. Mr. Mahler: We were approved some time ago. There have been no changes to the plans presented. Because of the time lapse we are requesting the approval again. Mukesh Agarwal, owner of Loving Cup Kids Academy was present. Mr. Agarwal: The delay was due to another project I had. At this time we are ready to proceed. Kathy Pucci: What is your time line to begin the project? Mr. Agarwal: We are planning to start sometime in July. Kathy Pucci: When would you expect to complete the project? Mr. Agarwal: Sometime mid-summer, or possibly six months. Kathy Pucci: My only concern is that the addition will look good esthetically. I know there was something in the minutes of the prior meeting stating that you will try and incorporate the new addition and to make it more uniform. I want to make sure that this is going to match. Mr. Agarwal: Yes, it will match the existing building. Mr. Mahler: The existing building and the new building have different elevations and we will straighten this out. It will be uniform and basically it will blend into the existing building. Kathy Pucci: Are you anticipating more jobs? Mr. Agarwal: I am thinking about 15 more employees. After further discussion, a motion was made by Mayor Gallagher, second by Kathy Pucci to approve the request from 4476 Ridge Road Holdings, LLC dba Loving Cup Kids Academy for Site Plan and Design approval to construct a new addition to the existing location at 4476 Ridge Road for the loving Cup Kids Academy Child Facility. **Vote Resulted to approve: Yes –** Mayor Gallagher, Kathy Pucci, Ray Porterfield, Jim Oper. **(request approved)**

Old Business:

Mayor Gallagher: A request from LS Architects, Inc. for site plan approval for a parking lot expansion and site improvements located at 4630 Ridge Road P.P. #432-23-014. Deferred from the July 20, 2015 and October 1, 2015 Planning Commission meetings. Commissioner Kulcsar provided all the information from the previous meeting. Commissioner Kulcsar: The original plan was to actually encompass the creek area. They decided to redesign the plans. The creek area was the major difficulty with the original design. The new plan shows additional parking that meets the requirements for the building. The new plan will not interfere with the creek area. There are a few items that still need to be addressed. This is under review with the City Engineer. There was a letter provided today by the City Engineer with the few items that need to be addressed by LS Architects. Kathy Pucci: Has Mr. Courtney not signed off on the items? Commissioner Kulcsar: Not as of yet. Mayor Gallagher: Would you go over the items that still need to be addresses? Commissioner Kulcsar: There are a few things from the previous submittal. These items have not been addressed for some time. The foundations that were placed for the canopy footings that were installed were not done by the plan. An engineer will need to sign off on this indicating there is not any safety issue. This has been ongoing since

October. Most of the other items were included in the new plans. A few other items that will still need attention; a matter of the property lines and where they lie. My understanding from the architect is that they are going to address this. The site plan is set so they need to redraw the lines properly to will leave us with no other zoning issues. We do need variance of parking lot lighting. There is a tent that is shown on the plans that will also need to meet the Ohio Building Code. A variance will be required for the patio and fence that is in front of the building setback. Kathy Pucci: So they need a variance for something that is already completed? Commissioner Kulcsar: Correct. Commissioner Kulcsar: That covers the matters that the building department has as the plans are now. Stan Loch representing Aztech Engineering was present. Mr. Loch: We received the letter today from C.W. Courtney. They are very minor items. They would like long term maintenance plans and water pollution plans as well. We will address these items and have the plans revised and sent to the building department and C.W. Courtney next week. The driveway apron is a minor correction. Storm water pollution plans are notations. Check the basin, control structure and make there is no silt. Mayor Gallagher: Can you point out some of the major changes from the current plan and previous plan that was submitted? The plans were reviewed by the Commission. Mr. Loch: Before there was parking at the ditches and we were going to enclose them. We re-designed the parking to avoid enclosing the ditches. The culverts are designed now to address the up-stream drainage because down-stream drainage is not sized correctly. The plans now are adequately sized to avoid any kind of flooding issues. This meets the City Engineer's requirements. This should elevate any drainage issued on the property. We left the retention basin for future expansion. We are placing a basin now for future storm water. We made some changes to the parking. We addressed the C.W. Courtney letter to make sure it had the proper setbacks to the rite-a-ways. Everything with the parking should meet the code. We addressed all the C.W. Courtney's recommendations from the letters that were received over the winter. Those are the major changes. Ray Porterfield: With the changes to the water flow, how does it affect the residents in the area? Mr. Loch: This actually should improve the flow of water. The lines are sized correctly. The basin will control the storm water. Jim Oper: Are you saying less will go downstream? Mr. Loch: Yes. It will be maintained in the basin. They are taking a large basin in case there would be future parking expansion. The water will be maintained in the basin and would not affect the residents in the area. This will help the property and also upstream. We will be restricting the flow on the property which will not affect the residents upstream and it should definitely help the neighbors because we are maintaining the storm water in the basin and controlling the volume at a pre-determined rate. Kathy Pucci: You mentioned putting a basin in now for future parking expansion; are you going to be using this basin for drainage now. Mr. Loch: Yes. Kathy Pucci: The issue with the footers; that is a safety issue? Commissioner Kulcsar: I spoke to the architect today and he told me that he would contact his engineer to examine the structure. Kathy Pucci: We do not know if they are safe or not. Commissioner Kulcsar: We do not know at this time. They were not built per the plan so we need have their engineer to show us that they are structural stable. Mayor Gallagher: Didn't they receive a letter? Mr. Wayne Vidovich, presenting St. Theodosius Church: That is my fault, I did not know we needed an engineer. It should be done Monday. Kathy Pucci: This has been since October. Commissioner Kulcsar: Now we can hopefully correct all the questions discussed and clear it up for everyone. Hopefully we can get them all answered. Kathy Pucci: Dave advised you to provide structural engineers assessment/approval recommendation for compliance. This was back in December. Kathy Pucci: Normally when we receive plans we have information on the landscaping as well. Mr. Loch: We have a landscaping plan for the patio. Kathy Pucci: We will need the entire landscaping plan including the mound. Mr. Loch: They wanted to make sure everything with the parking lot would be approved. There will be a landscape plan and forward me over the patio landscaping plan. If everything was approved the landscaping plan will be submitted. Kathy Pucci: Usually the landscaping is part of the overall plans. Mayor Gallagher: We discussed this the last meeting in depth. Is your landscaping plan the same as the previous submittal? Joe Gallo: The landscaping hasn't changed but the parking lot was redesigned. Jim Oper: Was there a reason why the front area (patio) was constructed before a variance was granted? Joe Gallo: We were under the assumption that we were ok to go forward. There were minutes from the meeting regarding this. Commissioner Kulcsar: I do not agree with that statement. We know that in the past a lot of this project was completed prior to approval. Mr. Vidovich: I do remember that, and we did apologize. We would move forward and get everything done the correct way. Commissioner Kulcsar: If we could get on the right footing here on out, that would be great. As of right now the approvals they have are for the exterior changes to the building; partial immediately around the building (walks) just for safety aspect since the area was disturbed prior to approvals. Everything from that point on (building outward) is subject to the board's scrutiny at this time. Mr. Vidovich: I thought at the last meeting, the board let us take care of what needed to be done around the building. We would like to place shrubbery around the fence and won't do anything else until we get everything approved. I was under the impression that the landscaping was part of the approval. Commissioner Kulcsar: We have not had the opportunity to review any of the landscaping. Mr. Vidovich: We brought the plans with us. Commissioner Kulcsar: I would suggest that you incorporate the site plan and landscaping plan together for the entire site including the parking area. Mr. Vidovich: We are able to do that. Business is picking up and the landscaping is unsightly. If we could just fix it up a little. Commissioner Kulcsar: You are proposing for the board to approve the landscape plan around the patio which has not been presented to the board. Mr. Vidovich: We brought the plan with us. Kathy Pucci: What was the deadline to submit the paperwork? The board needs time to review what the request is for. Commissioner Kulcsar: I know you are here for site approval, honestly I do not know the

legalities on something that was submitted at the time of the meeting. I am not sure if the board is able to review the plan at the meeting and vote on the request. Mr. Vidovich: I thought we had the approval at the last meeting. Commissioner Kulcsar: I would suggest you submit the landscaping. Kathy Pucci: I would like to point out it is very clear in the minutes and I was actually at that meeting. The motion to approve the request to perform work around the perimeter of the building and only upon written approval and direction of the City Engineer. I think that was clear. There was no gray area. James Hyvarinen residing at 4578 Ridge Road: My house is north of the property. You had said you will take care of the water problem. Mr. Loch: Showed the plans to Mr. Hyvarinen and explained how the flow of storm water is discharged. Mr. Loch: We will be controlling the storm water upstream and not adding any water. The plans were approved by the City Engineer. There was further discussion. Commissioner Kulcsar: They are placing a control structure which is a basin. It is a detention pond. Currently everything on that property goes to the culvert and behind the rear of your properties. Now this structure, the majority of the water will be directed into the retention basin and slowly release. You are not going to have the surges that you had before. This has been reviewed by the City Engineer. It is not going to cause any more problems. There was discussion regarding where the lines are located. Commissioner Kulcsar: You are going to have a slower release of the water from the property. They are designing the retention as if they were going to have the parking throughout the entire area as they first proposed. It is oversized and has less parking at this time. There was discussion regarding the mound of soil in the back of the property. The grass could not be mowed and this will be addressed. There was discussion regarding the condition of the dumpster. They are overflowing and garbage along the fence line. Mr. Vidovich: There is another dumpster and pick up is now twice a week. We will address the employee's regarding closing the lids on the dumpsters. There was further discussion. Mayor Gallagher: One of the Commission members is leaving the meeting. This will be a three person vote. In the City of Brooklyn we value that you are investing in the property. Right now you are keeping the Building Commissioner on his toes. Because Commissioner Kulcsar handles these requests on a day to day basis, I would like to hear your recommendations. Commissioner Kulcsar: I would recommend we have all concerns and questions brought up. If the members would have any conditions to place on the request and/or would defer the request to the next meeting. All questions should be answered prior to granting the approval. Kathy Pucci: I too am happy you are investing in our community. The City has bent over backwards in this situation; jump starting without permits or variances. I was at the meeting last October where there were questions about the property lines which have not been resolved. You plead your case to wrap out some of the safety conditions over the winter and the Commission gave some limited approval. You went beyond the approval. The column footers that maybe be a safety issue because they were constructed according the plans that were submitted. I'm not willing to approve this request tonight until we have the answers to this safety issue. For you to say that you didn't know what was needed when we have it in writing, and it was sent to you from the Building Commissioner is honestly insulting. Mr. Vidovich: I called Dave periodically as to how are we doing. Dave mentioned the corrections. I conveyed to Joe to have the architect involved. I wasn't aware. Kathy Pucci: You were included on the email of December 23rd and I just read from it. For you to say that you didn't know that you needed something from an engineer, I find insulting. It was put in writing back in December. Mr. Vidovich: I am on the church board and I am to oversee the project and trying my best. I have worked with Dave so things would run smoother. Commissioner Kulcsar: Mr. Vidovich has been very helpful. There was further discussion. A motion was made by Mayor Gallagher to defer the request until such time all questions are answered and Commissioner Kulcsar is to outline everything to them so they present the request in full. Kathy Pucci: I would also like to add until all issues are resolved and the Commission receives the information in a timely manner in which we have ample opportunity to review everything. Second by Kathy Pucci to defer the request from LS Architects, Inc. for site plan approval for a parking lot expansion and site improvements located at 4630 Ridge Road. **Vote Resulted to defer the request: Yes – Mayor Gallagher, Kathy Pucci, Ray Porterfield. (request deferred)**

A motion was made by Kathy Pucci, second by Mayor Gallagher to adjourn. **Vote Resulted: Vote Resulted: Yes – Mayor Gallagher, Kathy Pucci, Ray Porterfield.**

Meeting adjourned.

Barbara Stanton
Secretary

Mayor Katie Gallagher
Chairperson