

MINUTES OF THE REGULAR MEETING OF THE AMBERLEY VILLAGE
BOARD OF ZONING APPEALS HELD AT THE AMBERLEY VILLAGE HALL
MONDAY, AUGUST 3, 2009

Chairperson Jon Chaiken called to order a regular meeting of the Amberley Village Board of Zoning Appeals held at the Amberley Village Hall on Monday, August 3, at 7:00 P.M.
The Clerk called the roll:

PRESENT: Jon Chaiken, Chairperson
 Larry McGraw
 Susan Rissover
 Elinor Ziv

ALSO PRESENT: Bernard Boraten, Village Manager
 Stephen Cohen, Village Solicitor
 Nicole Browder, Clerk

ABSENT: Scott Wolf

Mr. Chaiken asked if there were any additions or corrections to the minutes of the July 6, 2009 meeting that had been distributed. Mrs. Rissover moved to approve the minutes as submitted. Seconded by Mr. McGraw and the motion carried unanimously.

Board of Zoning Appeals Case No. 1039

Mr. Chaiken announced that the Board would consider the request of Kneseth Israel Congregation (Congregation Zichron Eliezer) to modify the existing sidewalk, which would provide a continuation of the sidewalk in order to create a connection at the end of the sidewalk to Section Road.

Mr. Chaiken invited Kneseth Israel's attorney, Marc Randolph, to address the Board regarding this request. Mr. Randolph presented a progress report of the building construction to the Board. He reported that the construction is moving ahead without issue with the anticipated total project completion date expected to be Labor Day. Mr. Stan Better, the architect on the project, reported that the synagogue is completed and should be ready to move into by the end of this week.

Mr. Randolph explained the plan for the proposed sidewalk connection. He stated that the original plan presented to the previous Board in 2007 showed a snaking sidewalk and that Board decided to require that the sidewalk be straightened out. At that point in time, Mr. Randolph believed that the parties involved may not have been aware that by straightening the sidewalk, a gap between the sidewalk and Section Road was created. The request now is to add the connection from the end of the existing sidewalk to Section Road.

Mr. Chaiken pointed out that this plan had not been previously reviewed by the Board; therefore, the Board would need to table any decision on the plan until review by the Board and by the Village Engineer. Mr. Chaiken stated that he would like the Village Engineer, CDS &

Associates, to report back on whether or not there are any issues presented by placing this sidewalk in the right of way and connecting to a county road. Mr. Chaiken confirmed with Mr. Randolph that there was no impact to the current construction progress by tabling the issue until the next regular meeting of the Board of Zoning Appeals. Mr. Chaiken moved to approve that the proposed sidewalk connection plan to Section Road be tabled until a report is received back from CDS & Associates. Seconded by Mr. McGraw and the motion carried unanimously.

Mr. Randolph then provided the Board with a question regarding a previous sidewalk plan that was tabled by the Village Council for lack of financing. The Village's proposed sidewalk plan included the area between Section and Fair Oaks. Kneseth Israel is interested in raising money to complete that portion of the project and would like to find out how to begin a process of review and approval with the Village to accept such a plan. Mr. Chaiken instructed Mr. Randolph to have a plan prepared and submitted to the Village Council and Village Manager for review.

Board of Zoning Appeals Case No. 1040

Mr. Chaiken announced that the Board would consider the request of the Amberley Village Council for its application for a Conditional Use Permit for the property known as Amberley Green which is located at 7801 Ridge Road.

Mayor Kamine presented the case information to the Board. He stated that the application was made in order to request a Conditional Use Permit so that the Amberley Green property may be opened for public use as a park. He reported that the Amberley Village Citizen Advisory Committee is currently in the process of working on a recommendation to Council for the future use of the property. In the meantime, Council would like to open the property to the public as a park. The parking lot would be usable and the cart paths would be used for walking. The Village is currently in negotiations with Mt. Notre Dame High School to rehabilitate five of the seven tennis courts, which will then be available to residents as well.

Mayor Kamine stated that the conditional use, if granted by this Board, would allow the property to be utilized for park purposes for residents only. Signage would be posted providing notification of such requirements and the Amberley Village vehicle identification sticker would be the means of identifying resident vehicles.

Mr. Chaiken stated that at the last Planning Commission meeting the Board approved the language which modified the conditional use definition, thus allowing uses such as a park.

Mayor Kamine reported that the school has agreed that it will not require restrooms, water or bleachers during practices or games.

Mr. Boraten reported that he has been in conversations with Mt. Notre Dame and the school will utilize the existing portable restroom, which does have handicapped accommodations, which the Village had previously planned to place at the entrance of the property. He reported that the school has also agreed to assist with keeping the portable restroom cleaned on days that the school utilizes the restroom.

Mayor Kamine reported that the building will be fenced off and the pool area is being kept closed. The cart paths and tennis courts will be the only area open. The large pond on the property has been drained.

Mrs. Rissover asked if bikes would be allowed. Mayor Kamine stated at this time the current path is not in accordance with regulations that would deem the path safe for biking. No motorized vehicles will be permitted on the property at this time.

Mrs. Ziv asked if the gates would close at dark. Mayor Kamine confirmed that the park would close at dark.

Mr. McGraw moved to approve the conditional use of the Amberley Green property to be utilized as a park, which would include use of the cart paths for walking, use of the tennis courts by Mt. Notre Dame and residents, and excluding motorized vehicles. Seconded by Mrs. Rissover and the motion carried unanimously.

Mr. Chaiken asked for any comments from the audience. No comments were made.

Mayor Kamine reported that the plan would be to open the property as soon as possible. The cart path is currently being repaired in a few places and signs being made for posting. Once the property can be opened the Mayor stated he would send out a community safe message notifying the community.

New Business

Mrs. Ziv stated that she has a concern about the potential of a drowning hazard that may exist at the Mikvah if the detention pond is not going to be fenced and enclosed. Mr. Randolph explained that the detention pond is engineered to slow down the water runoff during heavy rainstorms. The pond will not be filled with water all of the time.

Mr. Chaiken asked if the Manager had any experience with fencing detention ponds. Mr. Boraten reported that the Village Code does not require fencing of detention ponds or any type of pond or other body of water in the Village. Fencing is only required for pools and hot tubs.

Mr. Randolph stated that he would be willing to present that concern to Kneseth Israel for review and consideration.

Mr. Katz, present in the audience, commented that there are differences between detention and retention ponds. Detention ponds do not hold water. Retention ponds hold water. Kneseth has a detention pond on their site; therefore, it is not designed to hold water.

Sandy Kaltman, resident at 6675 Fair Acres Drive, stated that she wanted to know how the landscaping and grass was going to be maintained as she did not feel the current sprinkler system was adequate. Mr. Stan Better reported that Kneseth Israel has a maintenance contract with the landscaping company that installed the landscape, which requires maintenance by the contractor for a four month period. This will ensure maintenance through the end of the year.

After a brief discussion among the Board, Mr. Randolph confirmed that Kneseth Israel did agree to a maintenance bond of \$10,000. The Village can act on that maintenance bond if it becomes necessary. It was also clarified that if the \$10,000 is utilized, Kneseth Israel is required to replenish the maintenance bond for a period of 20 years.

Mr. Chaiken then announced another item of new business. He commented that the Board is interested in the status of the western portion of the Abrams Acres. He stated that a “for sale” sign is posted which claims that property can be divided for multiple home developments.

Mr. Boraten reported that the current owner of the property has been approved by the Village for a single home development. No other plans have been presented to the Village for that property. He also stated that he has informed the current owner that if a buyer is interested in multiple homes being developed there, that the buyer must first seek approval from the Village.

Mr. Boraten confirmed that the front of the property is considered to be within the federal flood zone. He confirmed that the owner of the property has removed all of the vegetation; however, the owner plans to reseed the property so that erosion does not become a problem.

Mrs. Fran Cohen, present in the audience, then commented that Mel Abrams passed away on August 1st. The future of the adjacent property is also unclear at this point.

There was general discussion among those present that it is possible for a “panhandle” development of homes to be proposed at the location in question. An application could be made to the Board for three or four homes to have 15-20 feet of road frontage with driveways leading back to the developable areas of the property. In any case, any proposal for such development on the property must first seek approval of this Board.

Mrs. Ziv then asked if the oversized sign on the property was within code regulations. Mr. Boraten confirmed that it was not and it will be removed. Mrs. Rissover expressed that she felt the sale sign on Section Road should have been removed immediately as such signs in violation that belong to realtors are typically removed immediately.

There being no other business to discuss, Mrs. Ziv moved to adjourn. Seconded by Mrs. Rissover and the motion carried unanimously.

Nicole Browder, Clerk

Jon Chaiken, Chairperson