

July 18, 2016

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member
Mr. Steve Scholtz - Alternate

Item 1. – Meeting called to Order

Chairman Eichmann called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Monday, July 18, 2016.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

Members Present: Mr. Scheve, Mr. Eichmann, Mr. Heidel, Mr. LaBarbara
and Mr. Scholtz, who arrived at 7:02.

Members Absent: Mr. Leugers

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Eichmann led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Eichmann swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Eichmann stated the next order of business was to approve June 20, 2016 meeting minutes.

Mr. Eichmann asked for any corrections to the June 20, 2016 meeting minutes. No response.

Mr. Scheve made a motion to approve the June 20, 2016 meeting minutes.

Mr. Heidel seconded.

Mr. LaBarbara called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz - AYE

Item 6. – Old Business

Case: SYCB160013
Applicant: Dennis Lange
Location: 3932 Limerick Avenue
Request: Variance

Mr. Holbert presented the resolution denying the variance request for Case SYCB160013.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz - AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Case: SYCB160014
Applicant: Margaret Clarke
Location: 7765 Kennedy Lane
Request: Variance

Mr. Holbert presented the resolution denying the variance request for Case SYCB160014.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz - AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Case: SYCB160016
Applicant: Brent Keller
Location: 8936 Montgomery Road
Request: Variance

Mr. Holbert presented the resolution denying the variance request for Case SYCB160016.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz - AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Case: SYCB160017
Applicant: House of Brows
Location: 7292 Kenwood Road
Request: Appeal

Mr. Holbert presented the resolution denying the appeal request for Case SYCB160017.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz - AYE
Mr. Eichmann - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Mr. Eichmann explained what a conditional use is and how the Board of Zoning Appeals arrives at decisions regarding these requests. He then explained the process by which the public hearing would proceed.

Item 7. – New Business

Case: SYCB160018
Applicant: Leesman Engineering
Location: 7450 Keller Road

Request: Conditional Use

Mr. Holbert pointed out that the Board had received two letters, one from an attorney representing a neighbor, and another from a neighbor expressing concerns about the proposal.

Mr. Holbert addressed several concerns pointed out in the letter. He stated that the project will not increase the occupant load of the nursing home.

Mr. Scheve asked how the board can know that the applicant/nursing home will not actually increase occupancy.

Mr. Holbert said this will be regulated by both Sycamore Township Zoning and the Hamilton County Building Department.

Mr. Holbert said there may be an increase in staff due to the addition but there will not be an increase in residents of the facility.

Mr. Scheve asked how the institution has two beds per room now.

Mr. Eichmann asked who approved the nursing home initially.

Mr. Holbert answered Hamilton County approved it initially.

Mr. Holbert noted the letter also asked if the development driveway could exit to Miami. Mr. Holbert said there cannot be an exit to Miami Road because it was a condition of the original approval.

The letter says the owner is expanding the driveway to accommodate more traffic. Mr. Holbert said the expansion of the driveway was already approved to allow for emergency vehicles and delivery trucks to get through. This was recommended by Fire Chief Penny.

The letter also points out concerns regarding possible increase in noise. Mr. Holbert said noise should not be a problem because Kenwood Terrace will not be increasing occupancy or traffic.

Mr. Holbert noted the concern regarding lighting is something that should be addressed by the board. The letter also points out property devaluation. Mr. Holbert stated property values in that area have increased over the years and that this addition will not necessarily decrease property values.

Mr. Holbert then presented the case and case history in a Power Point presentation. Mr. Holbert showed aerial views of the property and pointed out the existing buffering. He noted the location of the portion of the driveway that was approved to be widened in Case SYCB160011. This widening will allow for a pull off for delivery trucks so emergency vehicles may still get through if a delivery truck is present.

Mr. Holbert showed a rendering of the proposal which includes the addition, a detention pond and additional parking. He showed the elevation of the building which will match the existing building. He noted a landscape plan had been submitted. Mr. Holbert also showed the proposed additional parking in front as well as the retaining wall.

Mr. Holbert showed photos of the existing and proposed interior space using a restroom as an example. He said the proposed addition would have restrooms that will be larger to be handicapped accessible.

Mr. Holbert said he went on site in the evening to see how the lighting looked at night. He said the buffering has gaps in it and the lack of buffering to the residential properties is a concern. He noted current code requires lights to be shielded.

Mr. Holbert noted the trees in the photos present now are not evergreens and in the winter will not provide as much screening.

Mr. Scheve asked why there cannot be an exit to Miami.

Mr. Holbert said one of conditions of the original approval from Hamilton County was that there be no ingress/egress on Miami.

Mr. Heidel asked if houses on that property were part of the nursing home.

Mr. Holbert said those properties were bought by Kenwood Terrace Care Center and a consolidation was done to make one large lot.

Mr. Holbert then listed seven conditions suggested by staff for the Board to consider should they decide to approve the conditional use request.

The Board asked questions of Mr. Holbert.

Mr. Eichmann asked about the additional parking which the applicant said was to accommodate shift change. Mr. Eichmann asked where employees currently park during shift change.

Mr. Holbert said what he hears from residents is that the employees are parking on residential streets. They are public streets so this is permitted but additional spots in the lot could alleviate that problem.

Mr. Eichmann asked if the applicant was present and wished to speak.

Attorney Tim Burke, of Manley Burke law firm, representing the owner, addressed the Board. Mr. Burke said he had three witnesses ready to address the board. Mr. Burke suggested making a maximum of 108 beds a condition of the approval. He said Mr. Wenstrup's clients are concerned about the possible widening of the buffer by their property when the driveway is widened. He said that buffer will not be touched.

Mr. Harold Sosna, owner of the Kenwood Terrace Care Center, addressed the Board. Mr. Sosna said he bought the facility in 1998, noting the previous owners had built it in the 1960's. He said times have changed and clients expect more than they used to. The semi private rooms that exist now are only 160 square feet. He said the first addition to the building added 24 private rooms. This allowed them to create larger semi private rooms in the original building that previously had three beds. He said some residents have to go down the hall to dormitory style showers which is unacceptable. Mr. Sosna noted the beds are licensed by the state and the process to increase the number of beds in the facility is extremely arduous, noting part of what he would have to prove is that they have zoning approval. Therefore, he said there is no way they will be increasing occupancy.

Mr. Sosna said the proposed increase in parking is needed to accommodate shift change of staff.

Mr. Scheve asked what staffing they have overnight.

Mr. Sosna said the facility is bound by the state to have a certain amount of staff saying he prides himself in their operation and noted theirs is a five star facility staffed much better than some.

Mr. Sosna noted he will not be adding any additional staff, except for perhaps an additional housekeeper or two, so the addition should not generate any additional traffic.

Mr. Scheve asked if his business could function or if it would suffer a hardship if the Board were to deny his request.

Mr. Sosna said a denial would hurt his business because no one wants to have dormitory showers and semi-private rooms.

Scheve asked if Mr. Sosna intends to remodel the existing building.

Mr. Sosna answered yes.

Mr. Eichmann asked if the building would be all private rooms after the work is completed.

Mr. Sosna answered no saying there would be approximately 72 private rooms.

Mr. Eichmann asked if Mr. Sosna had mix of private and semi-private in his Madeira facility.

Mr. Sosna answered yes.

Mr. LaBarbara asked how many more staff would be hired.

Mr. Sosna answered he does not plan to add more staff and asked Mr. Holbert to show the floor plan on the screen so that he could explain.

Mr. Tim Dwyer, of Leesman Engineering, engineer for the proposed project, addressed the Board. Mr. Dwyer pointed out to the Board the floor plan in the submittal that shows which rooms are private and which are semi-private. Mr. Dwyer also showed on the demo plan the two areas where some of the existing buffer will be removed. He noted the buffer along Keller will remain as is.

Mr. Scheve asked where the retaining wall would be.

Mr. Dwyer said the retaining wall will be adjacent to the detention pond.

Mr. Scheve asked if it would be visible to residents.

Mr. Dwyer answered no, noting that because of the topography adjacent the view would be over the wall. The proposed wall is below grade. He noted the detention pond will not affect residences because there are no adjacent residential properties.

Mr. Eichmann asked if the proposed retaining wall along Keller Road would be visible from Keller.

Mr. Dwyer said it may be visible from Keller, may not. The retaining wall is there to create a flat part to plant buffer.

Mr. Dwyer said the wall and detention pond is in the back out of the way so as not to effect residences and will be well maintained and have landscaping. He stated the pond will be wide and shallow and there will be an aluminum fence around it for fall protection.

Mr. Scheve asked if the patients can get out of bed and walk around.

Mr. Sosna said some of the residents of the facility are there long term but the biggest part of their business today is short term rehabilitation. His business has evolved over time to more and more short term stays. Many of the patients can walk around. He noted they do not have a lot of dementia patients as that is not their focus.

Mr. Dwyer asked for relief from the setback requirement to enable the pond to be as wide as possible.

Mr. Scheve asked why the pond could not be further from property line.

Mr. Dwyer said there are constraints because of the topographical features of the site.

Mr. Scheve asked if the owner has any plans for more additions in the future.

Mr. Dwyer said it would be almost impossible to add on again because of the limitations of the site.

Mr. Eichmann asked who owned property adjacent to detention pond.

Mr. Holbert said he thinks ODOT owns it.

Mr. Dwyer noted there is a protected stream along Montgomery Road therefore they are not allowed to add buffer there.

Mr. Dwyer pointed out on the site plan a small buffer area that would be removed to accommodate construction of addition.

Mr. Dwyer asked for clarification on staff suggested condition number two.

Mr. Holbert explained how staff calculates and gives credit for existing trees.

Mr. Dwyer said could do a ten foot buffer at the base of the wall.

Mr. Dwyer said he can accommodate condition number three and will keep as much of the existing buffer as they can intact.

Mr. Dwyer said there will be no roof top mechanicals and that the proposed building will have a residential look.

Mr. Dwyer then addressed the trash handling plan. He said they are looking at relocating the casing bin back farther. He said they will remove the existing wires over the driveway and add a transformer allowing them to put that where the casing bin is and put the casing bin in the northwest area of the lot.

Mr. Dwyer said they hope to keep the existing lights and will shield the lights if necessary. He noted they may need to upgrade the poles up front. He said they would have to light the entry at the apron.

Mr. Eichmann asked if there could be indirect lighting to the sign at the entry.

Mr. Dwyer said they will relocate the light pole near the entrance so the trees should help shield it.

Mr. Eichmann asked what staff recommends for entrance.

Mr. Holbert answered the site has to be zero foot candles 15 feet from all property lines but that staff is also concerned about safety, people have to be able to see the entrance.

Mr. Eichmann asked about the crumbling curb.

Mr. Dwyer said the project has been in planning stages for two years noting once construction is complete the curbs will be repaired.

Mr. Scheve asked how long construction would take should the proposal be approved.

Mr. Dwyer answered the plan is 15 months of construction.

Mr. Scheve asked about the noise ordinance.

Mr. Holbert said work would be permitted from 7:00 a.m. to 10:00 p.m.

Mr. Sosna said they will do everything they can to limit the amount of noise during construction.

Mr. Burke said with respect to the buffer the detention there today is green space and the new detention area would continue to be green space as well except for the retaining wall. He noted Section 14-6.3 of the Zoning Resolution allows a wall to be included in a buffer. He stated they would deal with condition one on the staff report with landscaping.

Mr. LaBarbara asked about trees during the winter and if staff would suggest evergreen.

Mr. Holbert said yes the applicant should look at something that has foliage year round.

Mr. Dwyer said the landscape architect will do a mix of evergreens and other types of foliage.

Mr. Burke said the architect is present if the board had any questions.

Mr. Eichmann asked if there was anyone present from the public who wished to speak.

Ms. Joanne Hall, 8373 Squirrelridge Drive, Sycamore Township, OH 45243, addressed the Board saying she can see the nursing home from her front yard. Ms. Hall suggested the most appropriate thing for the neighborhood would be for the developer to allow the neighbors to digest what they have heard tonight and then ask questions. She said it would be worthy of a delay of the decision. She said she has been in real estate for thirty years and is a civil engineer. Ms. Hall pointed out she has a sister who lives in a similar facility so she has experience with all of this. She noted that Leesman Engineering's letter said this was originally a group home, she said she believes the standard for group home is to have 16 or less people in it. Ms. Hall said she does not think that the Township has authority to dictate if the facility can have one or two beds per room. She said there is nothing that would prevent them from putting two people in rooms. She noted this is a for profit business. She also noted most places in Ohio at capacity and feels that there will be more expansion of this building because it does not make sense to increase size of building and not get return on investment.

Ms. Hall suggested eliminating the front parking and some of the rear to allow the detention pond to be moved so it is not so close to adjacent residence. She said the eight feet wall with the four feet fence is a safety hazard. Ms. Hall said with no increase in occupancy or staff, a 45% increase in parking is not necessary. Ms. Hall stated this business in single family residential neighborhood was not meant to be noting some of the employees who ride the bus to get to work walk along street and can't be seen in the dark.

Ms. Hall said it sounds like the property was originally developed as a group home and evolved into a nursing home.

Mr. Eichmann asked Mr. Holbert if the Township has the authority to regulate the number of beds.

Mr. Holbert said he spoke to the Hamilton County Building Commissioner and went over the project. He said the architect will have to submit a specific floor plan with a furniture layout which will have to be approved by zoning and the building department. The state licensing agent will also have to approve occupancy.

Mr. Scheve asked if the Board of Zoning Appeals could add a condition that the number of beds does not exceed a certain number.

Mr. Holbert answered yes, the Board has the authority to add that as a condition.

Mr. Scholtz said the comments Ms. Hall made seem to be more operational which is not within this Board's authority to address.

Mr. Holbert said staff has received phone calls about people waiting in front of their house to pick up someone. Mr. Holbert said the use is permitted in a residential district as a conditional use.

Mr. LaBarbara asked if there is a house adjacent to the proposed detention pond.

Mr. Holbert said the property directly adjacent to the proposed detention pond is green space, however, it is close to where a residential property joins.

Ms. Hall reiterated her point that the number of beds is regulated by the state not zoning or building department so the nursing home could come back in five years and ask the state for more beds.

Mr. Scheve said that is why the Board would want to make the number of beds a condition of the approval.

Ms. Hall again pointed out the increase in parking is not necessary when there is no proposed increase in occupancy or staff.

Mr. Scheve said that is a legitimate point.

Ms. Hall said the detention pond could breed mosquitoes and that there should be a water plan to address that. She talked about creeks and potential run off.

Mr. Eichmann said Hamilton County has authority over water management.

Ms. Hall reiterated her suggestion for less parking and relocation of the detention pond and request a continuance to allow more time for neighbors to digest the information presented.

Mr. Tom Goad, of 8381 Squirrelridge Dr., Sycamore Township, OH 45243, addressed the Board saying he is against the project. He stated the owner just wants to make more money. He said it is not appropriate to ask for variances when there are safety concerns about the proposed detention pond and retaining wall. Mr. Goad said the proposed retaining wall along Keller will be visible. He noted the nursing home does not need the parking as there are other options such as staggering shifts. He said he believes they are setting themselves up for additional expansion in the future. Mr. Goad has lived on Squirrelridge for 28 years and said he has had problems with the nursing home in past and felt intimidated going into their office so he instead complained to the Township. He noted the 7:00 a.m. to 10:00 p.m. construction time seems excessive saying he would not want to listen to that at 10 o'clock at night. Mr. Goad said the landscaping from 20 years ago is not in the best condition and therefore is not an effective barrier. Mr. Goad noted he would like to see less traffic and suggested a "quiet zone" along Keller.

Mr. LaBarbara asked what construction hours he would like to see.

Mr. Goad said 8:00 a.m. to 6:00 p.m. would be nice.

Mr. Jim Hodde, of 8358 Squirrelridge, Sycamore Township, OH, 45243, addressed the Board. Mr. Hodde said the last time the nursing home was under construction there was a condition that construction vehicles could not park on Squirrelridge.

Mr. Holbert explained what the Township can and can't do as far as prohibiting parking on a public street.

Mr. LaBarbara asked if the Board would have to make it a condition that no construction vehicles can park on Squirrelridge.

Mr. Holbert said he may have to consult Township legal counsel before adding a condition like that. Mr. Holbert noted no construction materials or trailers can be placed on a public road or they would be cited.

Mr. Hodde pointed out on the photo of the entrance that the sight line is terrible getting out of Squirrelridge because of the slope of the land.

Mr. Dan Wenstrup, legal counsel for the property owner at 7550 Keller Road, addressed the Board. Mr. Wenstrup pointed out that if members of this board retired, the Conditional Use could be thrown out and the facility could be allowed an increase in beds.

Mr. Scheve said they could come before the board and ask for more but they would have to go through the same process as they are tonight.

Mr. Wenstrup said he believes if the building is already built, it would be a lot easier for them to increase the number of beds in the future. Mr. Wenstrup asked Mr. Sosna to explain the new uses of the facility.

Mr. Sosna said it is a skilled nursing facility and will remain so.

Mr. Wenstrup asked if the short term people drove and if they had more visitors.

Mr. Sosna answered no.

Mr. Wenstrup asked the reasons for short term stay.

Mr. Sosna said rehabilitation such as after breaking a hip or having a heart attack for example.

Mr. Wenstrup asked if there was a possibility of modifying the plan so that the drive go around to the rear along Montgomery Road.

Mr. Dwyer said there is a 55 feet stream buffer that touches the existing building noting no construction is allowed within that buffer.

Mr. Wenstrup asked if there was a condition regarding the headlights from vehicles and how the vehicle lighting would be shielded from his client's property.

Mr. Holbert said the shielding staff referred to is to shield the parking pole lights so that they have zero foot candles within 15 feet of residential properties. Vehicle use areas would be shielded by landscape buffering to protect residential properties from vehicle headlights.

Mr. Wenstrup asked about the buffering along the driveway area and if that could be added as a condition should the project be approved.

Mr. Dwyer said there are site constraints because there is already quite a thick buffer.

Mr. Wenstrup said that buffer will be gone in the winter when leaves fall.

Mr. Holbert suggested a fence along the driveway. He noted the Board would have to grant that as a variance.

Mr. Sosna said he has not heard any complaints about headlights shining onto neighboring property.

Mr. Wenstrup said his client says lights from the headlights do come onto his property and into his house.

Mr. Dwyer said he is certain they could look into a fence but some trees would have to be removed and he is not sure if it would help if their house is on a higher grade.

Mr. Eichmann suggested a ten minute recess.

The meeting reconvened after the recess.

Mr. Wenstrup asked why the driveway expansion was submitted as a separate application.

Mr. Dwyer said the driveway plan was submitted first because the Fire Department was very concerned about access and safety. He noted the driveway expansion part of the project must be completed before the addition may begin.

Mr. Richard Ernst Jr., 7351 Keller Road, Cincinnati, OH 45243, began to address the Board. He was then sworn in by Mr. Eichmann because he arrived late to the hearing.

Mr. Ernst said there is not a day that he does not have car lights shining into his house because of the front parking lot. He said the proposed front parking lot concerns him because it is on a hill and the car lights will be shining up into his house. He said the proposed front parking lot expansion will ruin the residential look and aesthetics of Keller Road. He also noted there is always garbage such as fast food wrappers, hair nets and latex gloves along Keller dropped by inconsiderate employees of the nursing home.

Mr. Sosna asked if he had ever informed the nursing home of this problem.

Mr. Ernst answered no.

Mr. Eichmann swore in another member of the public.

Mr. John DeCristofaro, of 8508 Miami Rd., Sycamore Township, OH 45243, addressed the Board. Mr. DeCristofaro said there was a huge buffer area removed already and he has a view of all the parking and the lights and will have a view of the new addition if it were to be built. He stated this would decrease his property value.

Mr. Holbert said when there is a new development they have to have a minimum ten feet of buffer. He said the existing buffer is ten times that.

Mr. Dwyer said he promised five staggered trees along Miami and they do intend to follow through on that.

Mr. Eichmann swore in another member of the public.

Mr. Arash Zankvili, of 7355 Keller Road, Sycamore Township, OH 45243, addressed the Board in support of Mr. Ernst's comments regarding vehicle headlights and the trash along the road. In addition, he noted it seemed odd to invest so much money in an expansion and not increase capacity. He said this is clearing the way for increased occupancy in the future.

Mr. Eichmann swore in another member of the public.

Mr. Mohamed Motawi, of 8515 Miami Road, Sycamore Township, OH 45243, addressed the Board stating he can see the whole back of the facility from his property. He pointed out on the photo of the back parking lot that he has never seen that parking lot full so he wonders why they need additional parking. He also expressed concerns about lights from the vehicles. He noted the buffer on Miami does not help.

Mr. Al-Zubi Abdallah, of 7550 Keller Road, Sycamore Township, OH 45243, addressed the Board. He noted he moved to the area because of the school district and there will be noise associated with the construction which will disturb his family. He said this kind of business cannot be compared to churches and schools because those are non-profit and do not operate 24 hours a day like this facility. Mr. Abdallah also noted he did not attend the public hearing regarding the driveway expansion because did not know the building addition request would be following it.

Mr. Wenstrup suggested, given the level of the neighborhood's concerns, it would be good to postpone a decision so the applicant could address those concerns.

Mr. Eichmann said there are fair suggestions proposed for example staggering shifts, he doesn't know if the applicant had considered those options.

Mr. Scheve said at least three neighbors had raised concerns about parking and why you need it when not increasing occupancy or staff.

Mr. Sosna said he needs to put to rest his credibility with his intent not to increase the number of beds. He noted he has never tried to increase the number of beds, he understands why neighbors are concerned but assures them they intend the building to be 108 beds. Ten years from now if they wanted to add new beds they would have to obtain approval from the state and the board. As far as the parking, that is not evidence that they intend to increase occupancy, they have existing parking problems and wish to accommodate shift changes as well as families who would like to visit the residents of the facility. Mr. Sosna said he doesn't understand why the neighbors had not informed them about concerns regarding trash. He said he has not seen trash, but that doesn't mean there is not trash there. He noted they have worked very hard to work with Township staff and the Fire Department to avoid an egress onto Miami road. He said this is about taking care of his residents.

Mr. Scheve asked how they came up with the number of employees.

Mr. Sosna doesn't remember the exact formula.

Discussion ensued about the parking lots and possible alternatives.

Mr. Eichmann asked Mr. Holbert about staff working with the applicant to address the neighbors' concerns.

Mr. Holbert explained that process and how the staff approvals and inspections would work.

Mr. Scheve asked about the construction work hours.

Mr. Sosna said the typical work hours would be 7:00 a.m. to 5:00 p.m. and noted he would not allow construction vehicles to park on the roads.

Mr. Wenstrup addressed the Board regarding a document he had just been handed stating what the facility would need from the state to increase the number of beds. He stated this indicates the Township does not have a further say. Once again he suggested the Board wait to make a decision until the Township finds out more about who has authority over the occupancy.

Mr. Burke reiterated his client's statement that he has no intent to increase the number of beds.

Mr. Wenstrup submitted to the Board a copy of his finding from the Ohio Department of Health regarding the number of beds permitted in a facility such as this.

Mr. Eichmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Eichmann wondered if the document submitted should make the Board consider postponing a decision.

Mr. Scheve said he does not think it matters because the Board has the ability to limit the number of beds within the conditions of an approval.

Mr. Holbert noted Sycamore Township is a home rule Township and can make its own laws. He said if the Board wants to table the case he can put it before Township legal counsel or the Board may make a decision based on testimony heard.

There was discussion on the Township, County and State roles in authority over these kinds of facilities.

Mr. Eichmann said the Board now has an opportunity to address some of the residents' concerns. The Board cannot make less traffic, or make this business go away, and if the proposal were to be denied, those things would not be addressed. If approved, the Township has the authority to apply conditions that could help with the concerns of the residents.

Mr. Scheve agreed, saying there should be additional conditions regarding the construction hours, parking, and buffering noting that on the whole the applicant has been agreeable in attempting to address the concerns of the residents.

Mr. LaBarbara said there seems to be a conspiracy theory regarding increasing the occupancy, however the private rooms will generate more money.

Discussion ensued regarding conditions.

Mr. Eichmann made a motion to approve the conditional use request for Case SYCB160018 with the conditions two through seven recommended by staff in the staff report:

1. The landscaping in the northern property boundary buffer is to be approved by staff. The intent of the buffer must be a solid screen to replicate what existed pre-application. Staff has the discretion to give credit for existing trees and landscaping as well require new landscaping to achieve the required screen.
2. The expanded front parking lot must be completely screened from any public right of way in a manner similar to its pre application condition. Staff has the discretion to require additional landscaping and mounding to ensure the required screen is created.

3. All mechanical units are to be completely screened from any right of way or other residentially used or zoned property. Staff has discretion to determine the type, materials, and location of the screen.
4. A trash handling plan is to be submitted to staff prior to the issuance of a Zoning Certificate. Any trash handling area is to be compliant with the Zoning Resolution.
5. All onsite and structure lighting is to be shown on the zoning compliance plan. All lighting is to be shielded from any surrounding property and all lights shall have 0 foot candles of light spill within 15' from any property boundary.
6. All vehicular use areas are to be shielded and screened so that lights from vehicles cannot be seen from any surrounding property.

As well as the following additional conditions:

1. Construction may take place 8:00 a.m. to 6:00 p.m. Monday through Saturday.
2. Additional landscaping is required on the northeastern side near Miami where the existing buffer had been partially removed.
3. The number of beds shall not exceed 108.
4. The owner shall take steps to train the staff about littering and eliminate trash along Keller Road.

Mr. Scheve seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Scholtz - AYE
Mr. Eichmann – AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE

Mr. Eichmann stated there will be a resolution prepared for signatures at the next meeting.

Item 8. – Date of Next Meeting

Mr. Eichmann noted the date of the next meeting – Monday, August 15, 2016.

Item 9. – Adjournment

Mr. Eichmann entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Scholtz.

Vote: All Aye.

The meeting adjourned at 10:32 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator